L.A.xii.17

ERASTUS SENIOR.

Scolastically Demonstrating

this Conclusion, that (admitting their *Lambeth* Records for true) those called BISHOPS here in *England* are no Bishops, either in *Order*, or *Jurisdiction*, or so much as *Legal*.

Wherein is answered to all that hath been said in Vindication of them, by Mr. MASON, in his *Vindiciæ Ecclesiæ Anglicanæ*, Doctor HEYLIN, in his *Ecclesia Restaurata*, or Doctor BRAMHALL, (then called Bishop of *DERRY*, now Primate of *ARMAGH*,) in his last Book, Intituled, *The Consecration and Succession of Protestant Bishops Justified.*

With an *Appendix*, containing *Extracts* out of ancient Rituals, Greek and Latine, for the Form of Ordaining Bishops: And Copies of the Acts of Parliament, quoted in the third Part.

Printed in the Year, 1662.

To the Reader.

THe intent of this *Treatiſe*, is onely, of my Charity to my Friends and Countreymen of the Proteſtant Profeſſion, to ſhew them this great Defect in their Church, *the want of Biſhops*, thereby to invite them into ours, which (even by the confeſſion of her adverſaries) wants them not.

And the intent of this *Preface*, is only to note to them the greatneſs of this defect in their Church, from the hide-

ous consequences of it. For if theirs be no Bishops, either in *Order* or *Jurisdiction* (as this discourse undertakes to demonstrate,) this will follow:

First, that theirs being no Bishops *Ordine*, they cannot validly Ordain, either *Bishop*, *Priest*, or *Deacon*: and so they have none of these *Orders* in their Church, nor have had since the death of those that were Ordained by our Bishops.

Secondly, that theirs being no Bishops *Jurisdictione*,) or *Pastors* of *Cathedral* Churches) they cannot validly Institute a Pastor to any *Parochial*

chial Church (for none but a *Pastor* can Institute a *Pastor*:) and so they have no *Pastors* in their Church, nor have had, since the outing of the *Catholique* Bishops, Parsons, and Vicars, in the beginning of *Queen Elizabeths* Reign.

Thirdly, that theirs is no true Church (or Member of the *Catholique*,) for want of *Pastors*, it being an *essential* part of the Catholique Church.

Fourthly, that Salvation cannot be had in their Church; because no Member of the *Catholique*, out of which no Salvation.

Fifthly, that the *belief* they have of the Scriptures, Trinity, Incarnation, Death, and Merits of Christ, and other Mysteries of Christian Religion, is no *Divine*, (or *Supernatural*,) but *Moral* (or *Humane*) Faith onely, (which cannot avail to eternal Salvation:) becauſe they believe them *finally*, (or in the laſt reſolution of their Faith into the *witneſs or proponent* of Gods Word to them) upon the teſtimony of *preachers having no miſſion from God.*

Sixthly, that the *hope* they have of remiſſion of Sins, of gbtaining Eternal Beatitude by

by the merits of Christ, and of other Evangelical Promises, is no *Divine*, but *Moral* (or *Natural*) Hope onely, (which hath no efficacy to an eternal Recompence:) because it cannot be *Diviner* then the *Faith* is upon which it is and must be grounded; and theirs is but *Humane* Faith.

Seventhly, that their Ministers having no power, (because no *Priests*) to remit Sins; every time they receive the *Communion* (since they committed Mortal Sin,) they eat and drink it *unworthily*, (and consequently, *to their owne Damnation*;) because 1 Cor. 11. 29.

they presume to eat and drink of that which they believe to be *the Body and Blood of Christ, which is verily and truly received of the faithful*, with a Soul foul, and abominable to God, with Mortal Sin; as it must needs be, because since Christ instituted the *Word* of Priestly Absolution, for the ordinary means of giving that grace, (*viz.* when he said to his Apostles, *whose Sins you remit, they are remitted*:) no Mortal Sin committed after Baptism, can be remitted but by that means (at least, *in voto*; which cannot be supposed in a *wilfull* Pro-

Catechism in the Book of Common-Prayer.

S. John 20. 22.

Proteſtant:) which means (theirs being no Prieſts,) they cannot have in their Church. And for the ſame reaſon, at their Death, they go away with all the Sins upon their Soul, that ever they committed.

Eighthly, that their Miniſters having no power, (becauſe no Prieſts) to Conſecrate Chriſts Body and Blood; they live, and dye, without ever once offering to God that *Sacrifice*, which is the principal and moſt neceſſary Act of Divine Worſhip under the new Teſtament (the oblation of the Body and Blood of Chriſt

in

in remembrance of his death) and without ever once partaking of that Fleſh and Blood of his, of which he ſaid, [*Except ye eat and drink of it, ye ſhall have no life in you.*]

S. John 6. 54.

Laſtly, that every time any of their Biſhops preſume to Ordain, Confirme; Excommunicate, Inſtitute a Parſon, or Vicar, or exerciſe other Act of the Epiſcopal Office; or any of their Miniſters, to Preach, Baptize, Celebrate publick Divine Service, Conſecrate the Euchariſt, take Confeſſions, give Abſolution, or exerciſe other Act of Prieſtly Function; ſo often do they commit

mit the hainous Sin of *Sacri-ledge* : in which the People are involved with them, ſo often as they do communicate with them in, or cooperate to, thoſe Sacrilegious Preſumptions.

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The first Chapter.

Proving the first part of the Conclusion, the Protestant Bishops are no Bishops ORDINE: *and urging the first Reason, the invalidity of the form whereby they were Ordained.*

THere is a Bishop *Ordine*, and there is a Bishop *Officio* (*Jurisdictione*, or *simpliciter.*) A Bishop *Ordine*, I call him whose Ordination was essentially valid, and so imprinted the Episcopal Character. As *ex. gr.* if one should be Ordained, in due matter and form, by one or more Bishops having no jurisdiction, or should be Ordained without a Title: or should be Consecrated Bishop of some See, and afterward, resign it, or be deprived of it, or degraded. And Bishops in this sence, are necessary to the Ordaining of Bishops, Priests, and Deacons; and consequently to the *interior* essentiall form of the Church, as it consists in a Hierarchy of *Order*. A Bishop *Officio*, I call him who was validly Confirmed, and Consecrated Bishop, or Archbishop, and Pastour of that See (or flock

of Clergy and people) whereof he is stiled: as *ex gr. Canterbury, London, &c.* and continues actual Bishop of it, or of some other. And Bishops in this sense are necessary to the consecrating of Archbishops and Bishops of Cathedral or Metropolitical Sees, and to the Instituting of Pastors to Parochial Churches; and consequently to the *exterior* essential form of the Church, as it consists in a Hierarchy of *Jurisdiction.*

The first part then of my Conclusion is, *that Protestant Bishops are no Bishops Ordine.* My reasons are two.

The first is, because the Protestant form for Ordaining Bishops is essentially invalid. For the essential form of Ordination, is some *fit* words, that is, *words signifying the Order given.* So Protestants themselves. [*Non verba quælibet huic instituto* (for making a Priest, and there is the same reason of a Bishop) *inservire poterunt sed quæ ad Ordinis conferendi potestatem exprimendam sunt accomodata. Dum per Apostolum* (Tit. 1. 5.) *mandavit Christus ut crearentur Ministri, mandavit implicitè, ut inter ordinandum verba adhiberentur idonea, id est, quæ dati tum Ordinis potestatem complecterentur. Istiusmodi autem verba*

Mr. Mason, l. 2. c. 16. n. 6.

verba, quatenus datam potestatem denotant sunt illius ordinis forma essentialis.] And the reason is evident, because Ordination being a Sacrament, (as Protestants themselves do, * and must confess, for else it is no argument of the parties having any authority from God more then another hath who is not ordain'd) that is, a visible sign of an invisible grace or power given by it; there must be some visible sign in it to signifie the power given, for it cannot be a sign of what it signifies not; and else, the same Rite as ordains a Man a Deacon, wou'd ordain him Priest and Bishop. The essential *matter* then of Episcopal Ordination (which is imposition of hands) being a dumb sign, and common to divers Orders, (as Bishops, Priests, Deacons) and to divers other graces, as confirming, curing the sick, &c. of necessity there must be some words joyn'd with it as its *form*, to interpret it, and determine it to the grace of Episcopal Order, which no words can possibly do, but such as signifie that Order, either in the natural sense of the words, as *ex. gr. Be thou a Bishop, or I ordain thee a Bishop*, &c. or by the Institution of Christ, as these words [*I bap-*

* *Id. l.* 1. *n.* 8. *& D. Bramh. p.* 96.

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* *Id. l.* 1. *n.* 8. *& D. Bramh. p.* 96.

tize thee, &c.] signifie the grace of regeneration, because instituted by Christ to that end.

Now in the Protestant form, there is no word signifying Episcopal Order in the natural sense of the words. For this is their whole form, [*Take the Holy Ghost, and remember that thou stir up the grace of God which is in thee by Imposition of hands; for God hath not given us the Spirit of fear, but of power, and love, and soberness.*] In which is nothing but what may be said to any Priest or Deacon at his Ordaining, nay or to any child at Confirming. Nor is there any colour of ground to say, that these words signifie it *ex instituto Christi*; being there is no testimony in Scripture of such his institution, nor did he ever use these words but once to his Apostles, when he gave them power of remitting sins, which is a power of Priestly Order only; nor do we find that any of the Apostles ever used them; and it appears by all the Rituals now extant, (set forth by *Morinus*) that no Church, Greek, or Latine, ever used these words for so much as any part of the Ceremony for ordaining a Bishop, for 1200. years, nor any of the Greek Churches

De ordinat. Sacr. par. 2.

Churches yet to this day; nor therefore doth the Roman Church (which introduced them within these 400. years) use them as essential form, as shall be seen more anon.

The second Chapter.

Replying to Dr Bramhall's *Answer.*

TO the foregoing Objection he makes this Answer. Pag 222

Ans. If these words be considered singly in a devided sense from the rest of the Office, there is nothing in our form, which doth distinctly and reciprocally express Episcopal power. But if these words be considered conjoyntly in a compounded sense, there is enough to express it distinctly. 1. The party is presented to be made a Bishop. 2. The Kings Letters Pattents are read, requiring them to Consecrate him Bishop. 3. He takes his Oath of Canonicall Obedience, as Bishop elect. 4. The Assembly is exhorted to pray for him, before he be admitted to that Office, (that is, of a Bishop) 5. In the Letany, he is prayed for as Bishop elect, that he may

have grace to discharge that Office (of a Bishop.) 6, After the Letany, he is prayed for, as called to the Office of a Bishop. 7. The Archbishop tells him he must examine him before he admit him to that administration whereunto he is called, and after examination prayes for grace for him to use the authority committed to him, as a prudent and faithful Steward; this Authority can be no other then Episcopal Authority, nor this Stewardship any other thing then Episcopacy. Lastly, after imposition of hands, with those words, *Receive the Holy Ghost, &c.* follows the tradition of the Bible into his hands, with an exhortation to behave himself toward the Flock as a Pastor. All which implies Episcopal Authority.

Repl. This answer is either false, or impertinent, or a granting of the Argument. For if his meaning be, that there are no words in their essential form, that express it, this is a granting of the Argument; which proceeded onely upon their essential form; the other expressions of it in the rest of the office, signifying nothing to the purpose, because not sacramental. For the conjunction of these

words

words with those other, being not *formal* (which is impossible betwixt words sacramental, as these are, and not sacramental, as all the other are,) but onely *material*, or *local*, (because contained within the same Office,) their signifying of it can contribute or cooperate nothing to make these signifie it one whit the more then they would do taken singly by themselves. And so if these, taken singly by themselves, do not signifie it, (as he confesses they do not) then taken singly by themselves they give it not (because they give no more then they signifie:) and if taken singly by themselves they give it not, then none is given, because none of the other can give any. To make this more plain. Suppose all the other expressions had been as they are, and the words of their essentiall form had been only these [*Be thou an Officer in the Church; or take authority to some administration; or God make thee an honest man,*] or some such like, mentioning no power of Order in certain: will he say, they would be valid to make a bishop, by reason of their conjunction with the other expressions? I suppose he will not, because these signifie

no power given of a Bishop. And if those would not, no more will these, for the same reason.

If his meaning be, that there are other words in the Office, which express it as intended, desired, prayed for, or supposed to be given, by imposition of hands and those words, *Receive the Holy Ghost*, &c. this is impertinent; because the argument proceeded onely upon the not expressing it as *given*.

If his meaning be, that though these words do not, yet they are joyn'd with other words, which express it as *given*; this is false: because none of those other expressions by him named, do express it as given, or intended to be given by any of themselves, but onely by the imposition of hands, and the words joyn'd with it. For in the seventh, which immediately preceeds imposition of hands, the Archbishop tells the party, he *must examine him before he admit him to that administration*: and after that, onely prayer is made for *grace that he may discharge the Office* (meaning, after it should be committed to him) *as he ought*. And in the eighth which immediately follows the words of Ordination

tion, he is only *exhorted to behave himself as a good Pastor.*

If his meaning be, that these words do in some part express it as given, and the other in some other part, so as betwixt them they make up an expression of it as *given*; this is also false: because these express it not at all, and none of the other express it as *given.*

So take his answer in what sence you will, it is no answer to the Objection.

The third Chapter.

Answering Dr. Bramhalls *Allegations for their Form; and in this Chapter, his first Allegation, from Christs example.*

TO prop up his Answer (which he saw needed it) he addes to it three Arguments for the validity of their Form; but very weak ones all, as will appear by the Answers.

1. Arg. *You may except against Christs own form of ordaining his Apostles, if you will: but if that be a sufficient form, ours is.*

Ans. This supposes that he ordained them Bishops, by these words; *Receive the*

the Holy Ghost: which is a false suppositi-
tion. For he ordained them not Bishops
by these or any other Sacramental
words: nay, 'tis most probable he made
not one of them a Bishop, but Saint Pe-
ter, and him he made by those words
[*Pasce oves meas.*]

The fourth Chapter.

Answering his second Argument from the Roman Formes

2. Arg. *THe Form used at the same time when hands are impo-sed, is the same both in our Form and yours.* [*Receive the Holy Ghost.*] *And so as much in our Form to expres Episcopal power as in yours; and if yours be valid ours is.*

Ans. If by, *the same time*, he mean the same time *Physical*, (or *physicè loquendo*) I deny his Consequence (*therefore as much in our Form as yours*:) because their intire essential Form is used at the same time when hands are impo-sed, which ours is not, as we shall see anon. If by, *the same time*, he mean the same time *Moral* (or *Moraliter loquendo*,

loquendo, that is, continued without any moral interruption;) his Antecedent is a mistake. For our Form is not those words alone [*Accipe Spiritum Sanctum*] nay, perhaps they are no part of our essential Form (for the reason given *supra*,) but those that are immediately joyned with them, to wit, the Prayer, *propitiare Domine*, &c. antiently called, the *Benediction*; which hath been our Form ever since Saint *Peters* time, and (for the Substance of it) is the same with that which is used over all the Easterne Churches, and which anciently (untill within these four hundred years) our Church used at the same (*Physical*) time when hands were imposed; onely in latter ages, for the greater solemnity of the Ceremony, and fuller signification of the grace of this Sacrament, (the giving of the Holy Ghost (she hath interposed those words [*Accipe Spiritum Sanctum*] and perhaps by way of Prayer only, and appointed them, and them alone, to be pronounced at the same time when hands are imposed, and to be pronounced by all the Bishops assisting; and then, one of the Bishops onely) as the antient Law and Custom was) to pro-

Cap. 1.

Conc. Car. 4. *& Ordo Roman*

pronounce the words of Ordinatio
Uno ſuper eum fundente Benedictionem. Conc. Carth. 4.
viz. [*Propitiare Domine ſupplicationib noſtris, & inclinato ſuper hunc famulu tuum cornu gratiæ Sacerdotalis, bened dictionis tuæ in eum infunde virtute Per, &c.*] Anon after which follows th other prayer, anciently called, *Conſe cratio Epiſcopi*; to wit, [*Deus honoru omnium*,&c. *tribuas ei Cathedram Epiſ copalem ad regendam Eccleſiam*,&c.] an after that, the anointing his head wit holy Chriſme, with theſe words [*Un gatur & Conſecretur Caput tuum Ben dictione cœleſti, in Ordine Pontificali, I nomine Patris*, &c.] After which he i called *Epiſcopus*, and *Conſecratus*; til then, not, but *Electus*, or *Conſecrandu* only. So all theſe pertain to the *inte grity* of our form, and are *morall* (which is ſufficient to the unity of a *mo ral* compoſitum, as a *Sacrament* is) joyn'd with the Impoſition of hands: and in theſe you ſee is expreſſed, *Sacer dotal, Epiſcopal, and Pontifical* grace (or Order.) And ſo there is more in our Form to expreſs Epiſcopall power, then in theirs.

The

The fifth Chapter.

Answering his third Argument, from Cardinal Pool's *Dispensation.*

3. Arg. KIng Edward *the sixth his Form of Ordination, was judged valid in Queen* Maries *dayes, by all the Catholick Bishops in Parliament,* 1. *and* 2. Phil. *and* Mar. 8. *by Cardinal* Pool (*then Apostolique Legat in* England) *and by the Pope himself,* Paul *the fourth.* This he proves by three *Mediums.*

"The first *Medium.* The Parliament "proposed to the Cardinal, this Arti- "cle, *that all Institutions to Benefices* "*might be confirmed.* And the Cardinal "did confirm them, and the Pope ratifi- "ed it. Now Institutions could not be "confirmed except Ordinations were, "nor they, unless they were essentially "valid. *Ergo* they supposed them valid.

Ans. Either he argues upon the Institutions of such as had been Ordained by the new Form, and were returned to Catholique Unity, and so had been re-ordained; or of such as had not been re-ordained. If the former, I deny, his *Con-*

Consequence; for their Institution might be confirmed, without confirming their Ordinations. If of the latter I deny his *Antecedent*; for the Parliament proposed not, nor did the Cardinal promise to confirm *their* Institutions; there being no Beneficed men then in the land, that had been ordained by the new form, but what were re-ordained in Queen *Maries* time. And though it be sufficient for me, being the Respondent, to say it only, till he prove what he boldly saith, that *none of those Ordained by King* Edwards *form, were in Queen* Maries *time compelled to be re-ordained*: yet for more satisfaction to the Reader, I shall give some Reasons of my saying, *viz.* because

1. *In the first Parliament of Queen* Mary, (which began on the 5. of *Octob.* 1553. and ended on the 6. of *Decemb.* following, which was a twelvemoneth afore this Act) *all Consecrations which had been made according to the Ordinal of* Edward *the sixth were declared* (saith Doctor *Heylin*) *to be null and void.* And if *Consecrations*, surely much more, *Ordinations*; their form for Ordaining *Priests*, being much more questionable

Eccles. Restaur. par. 2. fol. 38.

onable then that for *Bishops*.

2. In the beginning of *March* following, the Bishops procured from the Queen an Injunction to all the Ordinaries in the Realm, to execute certain Articles recommended, whereof the fifteenth was this [*Touching such persons as were heretofore promoted to any Orders after the new sort and fashion of Orders, considering they were not ordained in very deed, the Bishop of the Diocess finding otherwise sufficiency and ability in those men, may supply that thing which they wanted, and then according to his discretion, admit them to Minister.*] Upon which Master *Fox* makes this note, [*Ministers revolting to popery, must with their new Religion have new Orders.*] Aud these Articles we may be sure were quickly and strictly put in execution by the Bishops; and so Master *Fox* saith, [*all such Beneficed men, which either were married, or would constantly adhere to their profession, were removed, and others placed in their rooms:*] and Doctor Goodwin, [*Omnes cujuscunque conditionis Ecclesiastici, qui vel uxores repudiare nollent, vel pontificiam doctrinam postea tueri & defendere non promitterent, sacerdotiis hujusmodi*

Mr. Fox, Act. and Mon. par. 2. fol. 1464.

In Indicc.

Par. 2. fol. 1289.

Hist. of Q. Mary.

modi unde ob Pontificiam doctrinam pe re
tinaciter defensam exturbatus quisqua wa
fuisset, indiscriminatim universi exac the
sunt.] And Doctor *Heylin*, [*For wa* Th
of Canonical Ordination on the one sid of
and under colour of uncanonical marria ou
on the other, we shall find such a gener &c
remove amongst the Bishops and Clergy, w
is not any were to be parallel'd in so shor w
a time.] o
The second *Medium. The Parliamen* d
in that Article, propounded to the Cardi in
nal, that all Ecclesiastical promotion C
might be confirmed. Now under promo th
tions Ecclesiastical, were comprehended n
holy Orders. o

Ans. Under *Ecclesiastical promotions* d
were not comprehended Holy Orders, d
but only promotions of like nature as c
Institutions to Benefices; for so runs the h
Article [*Institutions to Benefices, and* (
other promotions Ecclesiastical:] that is, n
promotions giving Jurisdiction, Office, t
or Dignity in the Church, as Deans, Pre- b
bends, Chancellours, Archdeacons, *&c.* a

The third *Medium, the Cardinal pro-* I
mised to receive in their Orders all who had (
obtained Orders; without any other ex-
ception or condition but this, that they were
reurned

return'd to Catholique Unity. Neither was there ever any one of them who were then return'd, compelled to be re-ordained. This doth clearly destroy all the pretensions of the Romanists against the validity of our Orders.

Ans. This is triumphing afore the victory. For first, that any of them that were returned to Catholique Unity, would presume to exercise any function of a Priest or Deacon, by vertue of Order received by the new Form, is not imaginable, considering how all the Catholick Bishops at that time counted those Ordinations null; so as there was no need to compell any of them to re-ordination. Secondly, the Cardinal did not promise to receive in their Orders, *all who had obtained Orders (simpliciter*, as he alledges it) but onely all who had obtained Orders, *essentially* valid (for else they were no Orders,) but *Canonically* invalid, because received from them who had no authority to Ordain, but what they pretended from the King as supream head of the Church of *England*: for so are the Cardinals words, (*Omnes personas, quæ aliquas impetrationes, dispensationes, gratias & indulta,*

tam Ordines, quam Beneficia Eccleſia ſtica, ſeu alias ſpirituales materias, pre tenſa authoritate Supremitatis Eccleſi Anglicanæ, licet nulliter, & de facto, p tinuerint.] And that this was his mean ing, and the utmoſt of it, is manife from divers other clauſes in the Diſpen ſation. As

1. That in the preamble, he deſcrib the things, he was deſired, and did inten to diſpence with, to be things done, *per nicioſiſſimo ſchiſmate vigente, per auth ritatem Parliamenti; & quæ licet ex ſa crorum Canonum inſtitutis irrita declar ri poſſent*; yet he might, *de Apoſtolicâ b nignitate, eorum firmitati providere.*

2. That for this motive to diſpenc with thoſe things, he names the neceſſit of it to the publick peace and quiet o the whole Realm, [*Quæ ſi ad aliam ſta tum quam in quo nunc ſunt revocarentur, publica pax & quies univerſi Regni tur baretur, & maxima confuſio oriretur.*] which was true of Ordinations *Canoni cally* null, becauſe all, or well nigh all in the land were ſo; but not of Ordinati ons made by the new form, for that had been legally eſtabliſhed by Parlia ment (and the Parliament took care for

no

no other; *Institutions of Benefice, and other promotions Ecclesiastical, and dispensations, made according to the form of the Act of Parliament,*) but in the last year of *Edward* the sixth, in which there had not been many Ordinations; and those few as had been Ordained by it, and were become Catholicks (as the Parliament and Cardinal provided for no other,) had been, afore this, re-ordained; so as no disturbance of the Realm could be feared from the not confirming those Ordinations.

3. That he promised to receive them in their Orders, though obtained, *nulliter, & de facto*: which could not be possibly meant of Orders *essentially* null, because he well knew no power upon earth could confirm them; but only of *Canonical* nullity.

4. That he put this condition or qualification upon them as should have benefit by the Dispensation, [*modo ad cor reversi, Ecclesiæ Catholicæ unitati restituti fuerint*:] which may have place in Ordinations *Canonically* null, but not in other, because they are eternally valid or invalid in all alike, as well Hereticks or Schismaticks, as Catholicks.

5. That he promises to receive them, *prout multi jam recepti fuerant*; meaning those, who had sued out their Dispensations, as many had. But not one can be named who had been Ordained Bishop, Priest, or Deacon, by the new Form, and upon his return to Catholique Religion, was received in that Order. And I am the more confident of it, because besides the Reasons given *supra* of this Parliament, heretical all Bishops, Priests, and Deacons, if they had been Ordained *ritu Romano*, were degraded as such: but if by the new Form, not, but onely in that Order which they had received *ritu Romano*. As namely, *John Bradford*, Ordained a Minister by the new Form, was not degraded at all, but proceeded with as a meer lay-man. And Doctor *Hooper*, made Priest by the Roman Form, Bishop by the new, was degraded as a Priest onely. And by this time I hope the Reader sees how little cause Doctor *Bramhall* had to vaunt as he did of this Argument as unanswerable. And this will serve for my full Reason,

Mr. Fox par. 2. fol. 1464.

Id. ib. fol. 1289.

because they are eternally invalid in all alike, as well Heretick or Schismatick, as Catholick.

The sixth Chapter.

Urging the second Reason, invalidity of the Minister.

BUt grant their Form were valid, yet they would be no Bishops *Ordine*, for another Reason; *invalidity of the Minister.* For the essential Minister of this Sacrament (the Consecrating of a Bishop) is at least (according to their own Doctrine) one Bishop *Ordine*. Now none of them are Bishops *Ordine*, because no *Priests*, (as *Priest* is the proper name of a holy Order, betwixt Bishop, and Deacon.)

That none can be a Bishop but he that is a Priest, is a received axiome amongst all Divines, and granted by themselves. [*Cum Episcopus esse nequeat qui non fuerit Presbyter, si nos Presbyteros non esse probatum dederit, actum erit de Ministerio Anglicano.*] *Mr. Mason, Ep. ded. ad Episc. Pariſ.*

And that their Ministers are no Priests is manifest: because this word Priest (as it is the name of a holy Order) signifies one set apart, or impowr'd, to offer to God the Sacrifice of the Body and Blood

5. That he promises to receive them, *prout multi jam recepti fuerunt*; meaning those who had sued out their Dispensations, as many had. But not one can be named who had been Ordained Bishop, Priest, or Deacon, by the new Form, and upon his return to Catholique Religion, was received in that Order. And I am the more confident of it, because besides the Reasons given *supra* at this Parliament, heretical Bishops, Priests and Deacons, if they had been Ordained *ritu Romano*, were degraded as such: but if by the new Form, not, but only in that Order which they had received *ritu Romano*. As namely, *John Bradford*, Ordained a Minister by the new Form, was not degraded at all, but proceeded with as a mere lay-man. And Doctor *Hooper*, made Priest by the Roman Form, Bishop by the new, was degraded as a Priest only. And by this time I hope the Reader sees how little cause Doctor *Bramhall* had to vaunt as he did of this Argument as unanswerable. And this will serve for my fifth Reason.

Mr. Fox par. 2. fol. 1454.

Id. ib. fol. 1289.

The sixth Chapter.

Urging the second Reason, invalidity of the Minister.

BUt grant their Form were valid, yet they would be no Bishops *Ordine*, for another Reason; *invalidity of the Minister.* For the essential Minister of this Sacrament (the Consecrating of a Bishop) is at least (according to their own Doctrine) one Bishop *Ordine*. Now none of them are Bishops *Ordine*, because no **Priests**, (as *Priest* is the proper name of a holy Order, betwixt Bishop, and Deacon.)

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And that their Ministers are no Priests is manifest: because this word Priest (as it is the name of a holy Order) signifies one set apart, or impowr'd, to offer to God the Sacrifice of the Body and Blood

of Christ. This is evident from all the pow
Forms (now extant) of Ordaining N
Priests, either antient or modern, either *Pri*
of the Greek or Latin Church; and from apa
the use of this word in all approved of
Christian Authours from the Apostle yet
times to this day. Now themselves dis the
claim to Priesthood in this sence, and po
claim to it only as it signifies (in a new [T
sence of their own divising) *a Minister* fo
of the Gospel, having power to dispence th
Word and Sacraments. [*Sacrificium pro* th
prie dictum ad Ministros Evangelicæ an
(a) Mr. Mason, pag. 545. *spectare non agnoscimus.* (a) *Si Sacerdotis* yo
vocabulo nihil aliud significasses, quam an
Ministrum Evangelii cui verbi & Sacra- pe
(b) id. l. 5. c. 1. n. 3. *mentorum commissa est dispensatio, nos Sa-* m
cerdotes esse (b) *profiteremur.*] fi

If they will say (as otherwhiles they se
(c) l. 5. c. 1. n. 3. & c. 5. n. 11. do, and even the same Authour) (c) that p
the Eucharist is a mystical Sacrifice, of- cu
fered to God, in commemoration or re- h
presentation of Christs death (which is as a
much as we believe of it,) and that they n
have power to offer it as such: this is in
manifestly false, because in all their essen- t
tial Form, there is not this word *Priest*, t
not any word equivalent, nor any word
signifying, or necessarily including,

pow-

power to offer any Sacrifice.

Nay, should we admit this word *Priest*, in their own sense, for one set apart to Consecrate the Body and Blood of Christ in way of *Sacrament* only, yet they would be no Priests; because the words of their Form signifie no such power. For these are the words of it [*Take the Holy Ghost: whose sins thou forgivest they are forgiven, whose sins thou retainest they are retained: and be thou a faithful dispenser of the word of God and of his holy Sacraments.*] In which you see is no power given, as to this or any other Sacrament, but only to *dispense* them. Now to *dispense* this Sacrament, is not to *Consecrate* it; for it must first be *Consecrated*, afore it can be *dispensed*; and (in some cases, as if one at point of death, should desire his *viaticum*, and no Priest or Deacon could be had to give it him,) it may be *dispensed* by a *Deacon*, yea by a Lay-man, but cannot be *Consecrated* but by a Priest: and in a Priest, the Consecrating it belongs to his power of *Order*, the *Dispensing* it, to power of *Jurisdiction* only.

The seventh Chapter.

Replying to Doctor Bramhall's *Answers.*

Pag. 226. 1. Ans. I *Deny that in all Forms of Priestly Ordination, the word Priest is set down either expresly or equivalently. It is set down expresly in the Eastern Church, in the Western not.*

Reply. In the Western Church, 1. it is set down *equivalently.* For these words at the delivery of the paten with an hoast, and of the chalice with wine in it [*Accipe potestatem offerre Sacrificium Deo, &c.*] are equivalent to these [*Take the power of Priesthood*, or *be thou a Priest.*] But 2. it is also set down *expresly, viz.* in the prayer (joyned with the imposition of hands) anciently called *Benedictio Presbyteri*, and which alone (as I noted afore) was the ancient Form for Ordaining a Priest [*Exaudi nos Domine Deus noster, & super hos famulos tuos Bene✠dictionem Sancti Spiritus, & gratiæ SACERDOTALIS infunde virtutem.*] And in the Prayer anciently called *Consecratio Presbyteri*, which followeth soon after the other

[*Da*

[*Da in hos famulos tuos PRESBYTERII dignitatem*, &c. *ut panem & vinum in corpus & sanguinem filii tui immaculatâ benedictione transforment*, &c.] both which Prayers ſtill are uſed in our Form.

2. Anſ. *If the words of our Form be as determinate and expreſs, as the example and preſcription of Chriſt, it is ſufficient. The form of Baptiſm is, I BAPTIZE THEE IN THE NAME OF THE FATHER*, &c. Not, *I BAPTIZE THEE TO REGENERATION OR REMISSION OF SINS. There are many other kinds of Baptiſms or waſhings beſides this Sacramental Baptiſme, yet this Form is as large as the Inſtitution of Chriſt; and theſe general words are efficacious both to regeneration and remiſſion of ſins, as well as if they had been expreſly mentioned. In this form of Baptiſm there is enough antecedent to direct and regulate both the actions and intention of the Miniſter, So there is likewiſe in our Form of Ordination.*

Rep. Had Chriſt inſtituted thoſe words of their Form [*Take the Holy Ghoſt*, &c.] for giving the grace of Prieſtly Order, as he did thoſe [*I Baptiſe thee*,

thee, &c.] for giving the grace of rege-
neration, we neither could nor should
have excepted against it; because then it
would have signified it, as the Form of
Baptism doth regeneration, *ex institu-*
Christi. But till they can shew their form
so Instituted, which they can never do,
the case is nothing like; and so this is no
answer.

3 Ans. [*In our Form, Priestly power*
is sufficiently expressed. First, RE-
CEIVE THE HOLY GHOST,
that is, the grace of the Holy Ghost, to
exercise and discharge the Office of Priest-
hood, to which thou hast been now presented
and accepted, &c.

Rep. Had all these been the words of
their Form, we should never have que-
stioned the validity of it. But none of
them belongs to it but those first, *Re-*
ceive the Holy Ghost: the rest are but his
Gloss; which I doubt not but the Or-
dainer meant; but the intention of the
Minister, is not sufficient to give this
grace, without *words* signifying it;
which these do not.

Ans. *Secondly, in these words*
[*WHOSE SINS THOU RE-*
MITTEST, &c.] *that is, not only*
by

by priestly absolution, but by preaching, baptizing, administring the holy Eucharist, which is a means to apply the all-sufficient sacrifice of Christ for the remission of sins. He who authorizes a man to accomplish a work, doth authorize him to use all means which tend to the accomplishment thereof.

Rep. This answer hath the same fault with the former (that it quotes his own *Gloss*, for the Text,) and a much worse: for, in that, it is like the Gloss was *meant* by the Ordainer, but in this, not; it being a sense exploded by Protestants themselves as *Puritanical*. Nor is it congruous to the words: for the remitting sins here spoken of, must be the act of the *Priest* himself [*whose sins THOU remittest*,] whereas the remitting sins by *preaching*, or any other of those wayes by him named (except Absolution) is not the act of the *Priest*, but of *God* alone, and the Priest doth onely apply the means whereby *God* doth it. And for that Rule [*he who authorizes*, &c.] it holds onely in means *necessary* to the end: which the administring of the Eucharist is not to the remitting of sins: for (regularly) they are and ought to be remitted

ted afore, by the Sacrament of Pennance and if Christ had pleased, he might have given that power of remitting sins to a Deacon, or Lay-man.

Ans. *Thirdly this Priestly power to consecrate, is contained in those words* [*THOU A FAITHFUL DISPENSER OF THE WORD AND SACRAMENTS.* And afterwards when the Bishop delivers the Bible into his hands, [*Have thou authority to preach the Word and administer the Sacraments.*]

Rep. It is contained in neither of them. For

1. The former [*Be thou a faithful dispenser*, &c.] *give* no power, but only *admonish* and *exhort*, to a *faithful* discharge of the Office. And the latter [*Have thou authority*, &c.] give no power of *Order*, but *Jurisdiction* only: as their own men interpret them [*In superioribus data est potestas Ordinis, in hac Jurisdictio, vel facultas, per quam potestas Ordinis ad usum reducitur, seu loci duntaxat, in quo potestas illa exercenda est, designatio*:] and as would have been evident by the words themselves, had he set them down intirely, and not

Mr. *Mason l.* 5. *c.* 14. *n.* 14.

by halves [*Have thou authority to preach, &c. in this Congregation where thou shalt be so appointed.*]

2. Had they been absolute, and imperative, [*Have thou authority to preach, and dispense Sacraments*] they would not have signified power of *Order*, but *Jurisdiction* only, nor any greater Jurisdiction then a *Deacon* is capable of. And his answer to this, [*that the Priest doth dispense this Sacrament by way of Office, a Deacon only as his Minister.*] is false, for if a Deacon be Beneficed, and have a faculty from the Bishop, in the interim till he be a Priest, to preach and dispense Sacraments, he hath authority to dispense this Sacrament *ex Officio*, and not as Minister to any Priest. 2. Impertinent, for the dispensing it *ex Officio*, doth not formally signifie, or necessarily include power to *Consecrate* it, at least, not as given by those words which give the power to dispense it; for (regularly) he must first be made a *Priest*, and afterward a *dispenser* of it (or *Pastour*.)

If he say, that under this word, *dispense*, the Ordainer meant power, not only to *administer* the Eucharist, but to *Consecrate* it; I believe he did: but (as

I have often ſaid) the intention of Miniſter is not ſufficient to give powe *Order*, and the higheſt power of O (as this is, to *Conſecrate* the Eucharis without *words* ſignifying it.

And this ſhall ſerve for the firſt p of my Concluſion, *that they are no ſhops Ordine* (or *valid* Biſhops.)

The eighth Chapter.

Proving the ſecond part of the Conclu that they are no Biſhops OFFIC *viz. For want of Juriſdiction in Conſecrators: and urging the firſt re ſon, want of the Patriarchs conſent.*

THe ſecond part of my Concluſi is, *that they are no Biſhops Offi* (*Juriſdictione*, or *ſimpliciter*.) My re ſon is, becauſe they that Confirmed, Conſecrated them, had no Juriſdictio to either of thoſe Acts.

The Conſequence (*they had no Juri diction, therefore could not validly Co firm*, &c.) is good: becauſe the *Co firming* of one elected to a Biſhopri (that is, the ratifying of his election t it; which if the pary were Conſecrate afor

afore, is that which makes him instantly *Bishop* of it; and if he were not, is that which makes him instantly *Bishop* (or Lord) *elect* of it, and puts him in *proximâ potentiâ* to be Consecrated Bishop of it,) is plainly an act of Jurisdiction: and therefore cannot be exercised validly, but by one having Jurisdiction to it. 2. The *Consecrating* of a Bishop, as it hath two effects in the party Consecrated, one the creating him a Bishop *Ordine*, another the creating him Bishop *of such a See* (as ex. gr. *Canterbury*, *London*, &c.) so it requires in the Consecraters two powers; one, to create him a Bishop *Ordine*, and so it is an act purely of the Key of *Order*; another, to create him Bishop of *that See*, (that is, governing Pastour to that Flock of Clergy and People, with authority to institute Pastours, hold Courts, make Decrees, determine Causes, inflict or release Censures Ecclesiastical, over, or among them,) and so it is plainly an act of the Key of *Jurisdiction*, because giving *Jurisdiction* onely: and so cannot be validly exercised but by one having authority to exercise it.

The Antecedent, (*they had no Juris-*

risdiction,) is proved by two *Media*. The first is, because they had no authority from the Pope, who alone could give it them. For none can give Pastoral Jurisdiction, but a Pastour; no Jurisdiction over such a flock; but the Pastour to that flock; because none can give a Jurisdiction which he hath not. And hence, even among themselves, no Bishop in the Land can validly Institute a Pastour to any Parochial Church, but the Bishop of the Dioceſs, or by Commission from him, or his Superiour. Nor can any number of Bishops validly Confirm or Consecrate the Bishop of any Dioceſs, but the Metropolitane of the Province (or some person authorized by him or his Superiour) must be one: nor the Metropolitane of a Province, but the Primate of the Nation, (or some person authorized by him or his Superiour) must be one. And consequently, by (parity of reason) nor the Primate of any Nation, but the Patriarch of that part of the World (or some person having faculty from him) must be one. This was long ago defined (or declared) by the first Council of

Nice,

Nice, [Τὰ ἀρχαῖα ἔθη κρατείτω, τὰ ὲν Αἰγύπτῳ, καὶ Λιβύῃ, καὶ Πενταπόλει, ὥστε τὸν Ἀλεξανδρείας ἐπίσκοπον πάντων τούτων ἔχειν τὴν ἐξουσίαν, (that is, particularly, and principally, the Consecrating of their Primates,) &c. Καθόλου δὲ πρόδηλον ἐκεῖνο, ὅτι εἴ τις χωρὶς γνώμης τοῦ Μητροπολίτου, (the Ecclesiastical Superior to that See) γένοιτο Ἐπίσκοπος, τὸν τοιοῦτον ἡ ἁγία Σύνοδος ὥρισε μὴ δεῖν εἶναι Ἐπίσκοπον.] And afore that, by the Canons called *the Apostles*; (*a*) and since that, hath been confirmed, by the great Council of Chalcedon, (*b*) and divers other Council's, and received by the practice and consent of the Universal Church from that time to this day. Consequently, the Patriark of the West, (the Bishop of *Rome*) being the unquestionable rightful Metropolitane to the Primate of this Nation, (the Archbishop of *Canterbury*,) and he Founder of that See; no number of Bishops in this land, can validly Confirm or Consecrate him, but the Bishop of *Rome*, or by Faculty or commission from him: or at least, not without his consent *implicite*, or reasonably *presumed*. And so there having been no rightful Primate of this Nation since the be-

Mos antiquus obtineat, in Egypto, Lybia, & Pentapoli, ut Episcopus Alexandrinus horum omnium habeat potestatem, &c. Universim autem illud manifestum est, quod si quis absque consensu Metropolitani fiat Episcopus, hunc magna Synodus definivit non debere esse Episcopum. Can. 6.

(*a*) *Can.* 35.

(*b*) *Can.* 27.

ginning of Queen *Elizabeths* Reign, for want of the Popes consent to h Consecration; there hath been no B shop validly confirmed or Consecrate in it, since that time, nor can be, till t Popes consent can be had.

The ninth Chapter.

Urging the second reason, their having Jurisdiction but from the King: an bringing the first proof of it, from the own acts and confessions.

MY second *Medium* shall be, b cause they have no Jurisdictio to these acts, but what they have origi nally from the king, who can give the none. And

First, that he can give them none t these acts, I suppose will be granted because to institute or create a Pastour t a flock of Clergy and people, is plainl a power of the *Keyes*, which themselve acknowledge no Temporall Prince (a such) hath. And they give a good rea son for it, because *the power of the Key* Dr. Bram. pag. 63. *was evidently given by Christ in Scri pture to his Apostles and their Succes sours*

sours, not to Sovereign Princes. Hence Queen *Elizabeth* in her commission to them as were to Confirm and Consecrate *Matthew Parker* to the See of *Canterbury*, would not use the words, *assign, constitute*, or *authorize*, (as is used in all other Commissions, but onely *required them to Confirm and Consecrate him, and do all other things which in this behalf belonged to their Pastoral Office*: thereby acknowledging, that these were acts of the *Pastoral* Office, which she could not *authorize*, but only *command*, them to perform.

Secondly, that they have no Jurisdiction to these acts, but what they have (originally) from the King, may be shewed many wayes. I shall make use of three.

The first shall be from their own acts and Confessions, As

1. That Doctor *Heylin* notes of Q. *Elizabeth*, (as commendable in her) *that she looked upon Her self as the sole fountain of both Jurisdictions* (temporal and spiritual.) For if she *the sole founsain of both*; then they that Confirmed and Consecrated *Matthew Parker*, and Her other first Bishops, had no Juris- *Eccles. restaurat. in præf.*

diction for it, but what they derived from Her.

2. That afore their Consecration, they take, 1. the Oath of Supremacy, whereby they acknowledge the King to be *the only supreme Governour, as well in all Spiritual or Ecclesiastical things or causes, as Temporal.* For if so, they cannot exercise any spiritual Jurisdiction in *foro exteriori* (as this is, to Confirm and Consecrate a Pastour) but what must be derived from him. Nor can they say, that by the *Supream Governour*, in that Oath, is meant only the Supream *politicall* Governour: for the Act that established that Oath, declares it to belong to the Kings Supremacy, *to use and exercise all such Jurisdictions Spiritual and Ecclesiasticall, as by any Spirituall and Ecclesiasticall power or authority, hath heretofore been, or may lawfully be used, over the Ecclesiasticall State of this Realm*, and consequently, to authorize any Bishops in the Land (as the Pope afore did) to Confirm and Consecrate Archbishops and Bishops, and so that none might Confirm or Consecrate any, but by authority from the King, as afore they might not but by authority from

1 *Eliz.* 1.

the

the Pope: nay, it gives to the King more authority, and in this very kinde, then the Pope can exerciſe, or ever pretended to. *viz. to aſſign and authorize any perſons as he ſhall think meet* (Biſhops, or not Biſhops, Clerks, or Lay-men, *ſo they be his natural born Subjects*) *to exerciſe under him all manner of Juriſdictions and Authorities, in any wiſe touching or concerning any Spiritual Juriſdiction within this Realm*: and conſequently, to Confirm, or Conſecrate Archbiſhops or Biſhops, of any Sees; for this is a ſpiritual Juriſdiction. 2. Beſides this, they take a particular Oath, of *Homage*, whereby they acknowledge *to hold their Archbiſhoprick (or Biſhoprick) with all authority, juriſdiction, priviledges, revenues, and all elſe thereunto belonging ſolely and onely from his Majeſty. If all their Juriſdiction from him ſolely*, they can have no authority to conſtitute a Paſtour of a Cathedral or Metropolitical Church, but what they muſt have from him.

The tenth Chapter.

Bringing the second Proof, from other publick acts.

THe second way of proof shall be, from other publick Acts and proceedings, approved by them, by which it appears, that the King can, and sometimes does at his pleasure, limit, controul, suspend, or utterly deprive the Bishops of their Jurisdiction; which he could not do, if they had it from any other then himself. Of this, I shall name two Instances.

One, shall be the sequestring of Doctor *Abbot* by the late King, from his Office of Archbishop of *Canterbury*, upon a displeasure taken against him, for refusing to license a Sermon as the King desired, and committing that Office (he living) unto other Bishops of his own appointing: *authorizing them to do all or any acts pertaining to the power or authority of the Arch-bishop of* Canterbury *in causes or matters Ecclesiastical, as amply, fully, and effectually to all intents and purposes, as the said Archbishop might have done*

See the Commission at large, in Mr. Rush. Hist. Col. lect. p. 435

done. And so by vertue of this Commission, those persons had authority to Consecrate or Confirm the Archbishop of *York* (if it should happen,) or any Bishop within the Province of *Canterbury*; which without it they had not.

Another, shall be the *Declaration* of his Majesty, (whom God grant long to Reign over us) *touching affairs of Religion*: in which he deprives all the Bishops and Archbishops in the land of their power of *sole Ordaining and Censuring their Presbyters*, and joyns their Presbyters in Commission with them, as to those acts of Ordaining and Censuring.

The eleventh Chapter.

Bringing the third proof from the Consecration of Matthew Parker.

MY third proof shall be from the Consecration of *Matthew Parker*, the first Protestant Archbishop of *Canterbury*, from whom all the Archbishops and Bishops that have been since, descend; and so if he had no authority to Confirm or Consecrate a Bi-

ſhop, but what he had from the Queen, none ince him can have; becauſe they can have none but muſt be derived to them from and by him.

Now that he had none but from the Queen, is proved.

They who Confirmed and Conſecrated him, had no authority for it, but from the Queen.

Therefore he had none but from the Queen.

The *Conſequence*, I ſuppoſe will not be denyed; becauſe he had all his Spiritual Juriſdiction, by his Confirmation and Conſecration to that See: if then they who Confirmed and Conſecrated him, did it by no authority but of the Queen; he could have none but what he had from Her.

The *Antecedent* is eaſily proved. For if they had any, it muſt be, either as Biſhops *Ordine*, or Biſhops *Officio*: but neither of theſe wayes had they any.

1. Not as Biſhops *Ordine*: becauſe to Confirm or Conſecrate a *Paſtour* is an act of *Juriſdiction*: which a Biſhop *Ordine* only, hath none.

2. Not as Biſhops *Officio*: becauſe

Firſt, not one of them was ſo, as appears

pears by the ſtile given them in the Queens Letters Pattents to them for this buſineſs [*Regina*, &c. *Antonio Landavenſi Epiſcopo, Wilielmo Barlow quondam Bathonienſi Epiſcopo, nunc Ciceſtrenſi Electo, Joanni Scory quondam Ciceſtrenſi Epiſcopo, nunc Electo Herefordienſi, Miloni Coverdale quondam Exonienſi Epiſcopo, Richardo Bedfordenſi, Joanni Thedfordenſi, Epiſcopis Suffraganeis, & Joanni Bale Oſſorienſio Epiſcopo.*] Where you ſee, thoſe four that Confirmed and Conſecrated him, (admitting their *Lambeth* Records for true,) to wit, *Barlow*, *Scory*, *Coverdale*, and *Hodskins* (Suffragan of *Bedford*,) are not ſtiled *Biſhops* of any See, as two of the other are, (he of *Landaff*, and he of *Oſſory*,) but either *quondam* Biſhops only, as *Coverdale*; or *quondam* Biſhops and Lords *Elect* only, as *Barlow* and *Scory*: or *Suffragan* Biſhops only (as *John Hodgeskins*,) that is, who had indeed the Epiſcopal *Character*, but were Paſtours of *Parochial* Churches only, erected into *Suffragan* Sees, by the Act of 26 *H.* 8. 14. who by the Act cou'd not exerciſe any leaſt Act of Juriſdiction, no not within their own pariſh, without licenſe

of

of the Bishop of the Diocesse.

Secondly, because had they been all of them actuall Bishops of Cathedrall Churches, yet, they could not validly Confirm or consecrate any lowest Bishop in the Land, and much less the *Metropolitan*, without a Faculty or Commission from some Superiour to that See. And the reason is evident: Because

1. They could not (by their own authority) validly exercise any Jurisdiction out of their own Dioceses, as *London* where they were to *Confirm*, and *Lambeth*, where they were to consecrate him, was out of all their Dioceses.

2. Nor within his own Dioces could any one of them give Jurisdiction to be exercised in anothers Dioces, as *Canterbury* was.

3. Much less could they (being but simple Bishops) give a Jurisdiction *Metropolitical*, and create a Superiour to themselves, and to all the Bishops of the Province, yea and to the Archbishop of another Province, namely him of *York*: for they could not give a Jurisdiction which they had not.

These two grand defects therefore, in the

the condition, ſtate, and faculty of the Confirmers and Conſecraters of *Matthew Parker*, the one againſt the Canons of the Church, that they had no conſent of the Metropolitane to thee See of *Canterbury*, the other againſt both the Canons of the Church, and the laws of the land, that not one of thoſe who were like to execute the Commiſſion, was a Biſhop (*ſimpliciter*, or in the ſenſe wherein all laws, both of the Church and of the Land, mean, when they ſpeak of a *Biſhop*) rendring them uncapable to Confirm or Conſecrate him, till thoſe defects were ſupplied; the party that ſupplied thoſe defects, was the party that gave them their authority to thoſe acts. Now it is manifeſt by the Queens Commiſſion to them, that ſhe, by vertue of her Supremacy in cauſes Eccleſiaſtical, did ſupply to them thoſe defects: for theſe are the words of the Commiſſion. "[Regina, *&c.* Reverendiſſimis in "Chriſto Patribus, Antonio, *&c.* (ut ſu-"pra) Cum Decanus & Capitulum Ec-"cleſiæ noſtræ Cathedralis & Metropo-"liticæ Chriſti Cantuarienſis dilectum "nobis in Chriſto Magiſtrum Matheum "Parker, ſibi & Eccleſiæ prædictæ elege-

"runt

"rant in Archiepiſcopum & Paſtorem;
"nos eidem electioni Regium noſtrum
"aſſenſum adhibuimus pariter & favo-
"rem, & hoc vobis tenore præſentium
"ſignificamus, rogantes, ac in fide & di-
"lectione quibus nobis tenemini, firmite
"præcipiendo, Mandantes, quatenus
"vos aut quatuor veſtrum eundem in
"Archiepiſcopum & Paſtorem Eccleſiæ
"prædictæ ſicut præfertur electum, ele-
"ctionemque prædictam, Confirmare,
"& eundem in Archiepiſcopum & Paſto-
"rem Eccleſiæ prædictæ Conſecrare,
"cæteraque omnia & ſingula peragere,
"quæ veſtro in hac parte incumbunt
"Officio paſtorali, juxta formam Sta-
"tutorum in ea parte editorum & provi-
"ſorum, velitis cum effectu. Supplentes
"nihilominus Suprema authoritate no-
"ſtra Regia; ſi quid, aut in his quæ juxta
"mandatum noſtrum prædictum per vos
"fient, aut in vobis aut veſtrum aliquo,
"conditione, ſtatu, aut facultate veſtris,
"ad præmiſſa perficienda deſit aut de-
"erit eorum quæ per Statuta hujus Reg-
"ni noſtri, aut per Leges Eccleſiaſticas,
"in hac parte requiruntur aut neceſſaria
"ſunt, temporis ratione & rerum neceſ-
"ſitate id poſtulante, *viz.*] becauſe nei-

ther

ther the consent of the Metropolitane (the Bishop of *Rome*,) nor four Bishops as the Law of the Realme, nor three, as the Canons of the Church required, no nor any *one* Bishop could be then had to his Confirmation and Consecration. Now though really she could give them no such authority, because she had no power of the *Keyes*, to which it pertained to dispense with the Canons of the Church; yet this suffices to prove my intent, that they had no authority to either of those acts, but what they had from Her.

The twelfth Chapter.

Replying to Doctor Heylins *Answer.*

DOctor *Heylin* undertakes to answer all our objections against the Canonicalness of *Matthew Parkers* Consecration: but he neither sets them down all, nor solves those he doth; as will appear by the Reply. *Eccl. Rest. p. 2. f. 122.*

1. *Ans.* "Though *Barlow* and *Scory* were deprived of their Episcopal "Sees; yet, first, the justice and legality of their deprivation was not clear "in Law.

Rep.

Rep. 1. And why then did the Queen in her Letters Patents not stile them *Bishops*, but only *quondam* Bishops of those Sees? And why did she not in all that time (being above thirteen moneths after her coming to the Crown) restore them to those Sees? And why did she, or how could she, they living, place others in those Sees, without their resignation. 2. Grant the deprivation had been unjust, yet till it was avoided, and they restored by sentence, they were no *Bishops* of those Sees, in the eye of the Law. 3. Had they been actual Bishops of those Sees, yet they would have had no authority to Confirm or Consecrate him, for the defects shewed *supra*.

2. *Ans.* "Secondly, they neither "were nor could be deprived of their "Episcopal Character: and whilst that "remained, they were in a Capacity for "performing all Episcopal Offices to "which they should be called by their "Metropolitane, or any higher power "directing and commanding in all such "matters as concerned the Church.

Rep. If by, *higher power*, &c. he mean *Ecclesiastical*; it is true, he saith, but impertinent; because they were not cal-

called to Confirm or Consecrate *Matthew Parker*, by any such higher power, but onely by the Queen. But if he mean, that their Episopall Character rendred them capable to performe all Episcopal Offices, to which they should be called by a Lay Prince only, having no other authority in matters as concern the Church, but onely to *direct* or *command* Bishops to perform their Offices, it is notorious false doctrine.

3. *Anſ.* "As for *Suffragans* (by "which title *Hodgskins* is Commissiona-"ted for the Consecration) they were no "other then the *Chorepiſcopi* of the Pri-"mitive times, ordained for easing the "Dioceſan, &c.

Rep. They were in some things more then the *Chorepiſcopi*, for they (*the Chorepiſcopi*) were no Bishops *Ordine*, which these were: but in other things they were less, for the *Chorepiſcopi* had Jurisdiction Episcopal from some lawfull Bishop of the See; which these had not, but were onely established by an Act of Parliament of *Hen.* 8. nor had any of the Bishops then in the Realm Episcopal Jurisdiction, being manifest Hereticks and Schismaticks, and so could not constitute

ſtitute a Suffragan. But grant they were no leſs then the *Chorepiſcopi*, he cannot ſhew that ever any *Chorepiſcopus* was uſed for the Confirming or Conſecrating of a Biſhop. And this ſhall ſerve for the ſecond part of my Concluſion, *that they are no Biſhops Officio*, (or *Canonical* Biſhops.)

The

The thirteenth Chapter.

Proving the third part of the Concluſion, that they are no legal Biſhops: *and urging the firſt Reaſon, becauſe the Act of* H. 8. *for the Roman Form is ſtill in force.*

THough it matter not much to my purpoſe, whether they be *Legal* Biſhops, or not: yet becauſe our Writers have objected this alſo againſt them, [*Is it not notorious, that you were not Ordained according to the Preſcript, I will not ſay, of the Church, but even of the very Statutes,*] and their late Champions have undertaken to defend it, and the diſcuſſing of it will give much light into the whole Controverſie, and more abundantly diſcover the nullity of their Conſecrations, this ſhall be the third part of my Concluſion, that *they are no legal Biſhops.* My reaſons are two. *Dr. Stapl. counterbl. ag. Horne.*

The firſt is, becauſe the Act of 25. *Hen.* 8. 20. which authorizes the *Roman* Form for Conſecrating Biſhops (by giving *Pall*, and uſing *Benedictions*, *Unctions*, and all other Ceremonies *requiſite*

site at that time, viz. by the *Roman* Pontifical, which was then in use, in this Nation,) being repealed by Q. *Mary*, was revived 1. *Eliz.* and never since repealed, and so is still in force.

Nor will it serve to say, that that Act of *Hen.* 8. was repealed (as to that part of it) *virtually*, (or *interpretatively*,) by the Act of 8. *Eliz.* which established another Form; for in the judgement of Law, an Act of Parliament is not repealed but by express words.

The fourteenth Chapter.

Urging the second Reason, because the Act of Edw. 6. *for the Book of Ordination, being repealed by Queen* Mary, *is not yet revived; and proving the first part of the reason, that it was not revived afore* 8. Eliz.

THe second reason is, because granting that the Act of *Hen.* 8. was *virtually* repealed, by 8. *Elizabeths*, and that such *virtual* repeal is sufficient in Law, yet the Form of *Edw.* 6. (by which they are Ordained) cannot be *legal*, because that part of the Act of *Edward*

Edward 6. which eſtabliſhed the Book of Ordination, and was repealed by Queen *Mary*, was not revived afore 8 *Eliz.* nor then neither.

The firſt part of this reaſon, (*that it was not revived afore* 8. *Eliz.*) is eaſily proved. For whereas that Act of 5. and 6. *Edw.* 6. 1. conſiſted of two parts; one, which authorized the Book of Common-Prayer (eſtabliſhed 2. and 3. *Edw.* 6.) as it was then newly explained and perfected; another which eſtabliſhed the Form of Conſecrating Biſhops, *&c.* and added it to the Book of Common-Prayer: this Act as to both theſe parts, was repealed 1. *Mar.* and this repeal was reverſed 1. *Eliz.* 1. as to that part which concerned the Book of Common-Prayer *onely*: for ſo runs the Act [*The ſaid Statute of Repeal, and every thing therein contained, ONELY concerning the ſaid Book* (viz. of Common-Proyer, authorized by *Edw.* 6.) *ſhall be void and of none effect.*] And afterward, 8. *Eliz.* 1. was revived that other part of it which concerned the Form of Ordination, *viz.* in theſe words [*Such Order and Form for the Conſecrating of Archbiſhops, Biſhops,* &c.

as was set forth in the time of Edw. 6. *and added to the said book of Common-Prayer, and authorised* 5. *and* 6. *Edw.* 6. *shall stand and be in full force, and shall from henceforth be used and observed.*]

The fifteenth Chapter.

Replying to Doctor Bramhall's *Answer.*

pag. 95. FIrst, he sets down our Objection wrong. [*The Book of Ordination was expresly established by name, by* Edw. 6. *and that act was expresly repealed by Queen* Mary: *but the book of Ordination was not expresly restored by Queen* Eliz. *but onely in general terms, under the name and notion of the Book of Common-Prayer.*] For this is not our objection, but this: it was not restored at all, but rather formally excluded, by 1. *Eliz.* For that Act of *Edw.* 6. consisting of nothing else, but the authorizing of the Book of Common Prayer, and establishing, and adding to it, the book of Ordination; and the Act of Queen *Mary* having repealed that whole Act: that Act of 1. *Eliz.* reversing that repeal,

peal, as to the book of Common-Prayer *onely*, did plainly and directly exclude the repealing of it as to the Book of Ordination, there being nothing elſe to be excluded by that *onely*, but that Book. And I am confident, it was the full intent of the Queen and Parliament at that time, to retain ſtill, as the Order of Biſhops, ſo the Catholique Form of Conſecrating them, authorized by Act of Parliament, 25. *Hen.* 8. 20. after his revolt from *Rome*, and uſed all his time till his death, and for ſome years of *Edw.* 6. For that Queen loved ſtate and ſolemnity in the Rites of the Church where it juſtled not with her intereſt, and loathed the ſlovinly way of Ordaining, uſed by Lutherans and Calviniſts; untill ſhe was over born in it, at the Conſecration of *Matthew Parker*, when no *Catholick* Biſhops could be got to Conſecrate him, and the *Proteſtant*, would not Conſecrate him *ritu Romano*. And one good reaſon of my confidence is, becauſe that Act of 1. *Eliz.* did expreſly revive that Act of 25. *Hen.* 8. 20. which was inconſiſtent with the reviving of that part of the Act of *Edw.* 6. which concerned the Book of Ordina-

tion; that Form authorized by the Act of *Hen.* 8. being the *Roman* Form, with Pall, Unction, Benedictions, Miter, Ring, *&c.* and that of *Edw.* 6. a bald thing, without any of that dreſs.

Secondly, the anſwers he gives to the Objection are falſe, or frivolous: as will appear by the Replies.

Anſ. "Queen *Maries* Statute was repealed ſufficiently even as to the Book "of Ordination, as appears by the very "words of that Statute which repealed "it. [*And that the ſaid Book, with the "order of Service and adminiſtration of "Sacraments, Rites, and Ceremonies, "ſhall be in full force and effect, any thing "in Queen* Maries *Statute of repeal to the "contrary notwithſtanding.*]

Rep. By theſe words appears it was not repealed as to the Book of Ordination, becauſe the words preceeding, repealed it expreſly as to the Book of Common-Prayer *onely*; and theſe words revive the Statute of *Edw.* 6. as to that Book onely.

Anſ. "That the book of Ordination "was a part of the book of Common-"Prayer, and printed in this book in King

"King *Edwards* dayes, beſide the ex-
"preſs teſtimony of the Statute of 8.
"*Eliz.* we have the authority of the
"Canons of the Church of *England*,
"which call it ſingularly, *the Book of*
"*Common-Prayer and of Ordering Bi-*
"*ſhops.*

Rep. The Statute of 8. *Eliz.* teſtifies no ſuch thing, much leſs expreſly. And the Canon by him cited is againſt himſelf, implying it was no part of the Book of Common-Prayer, (for then it had been vain to ſay, *the Book of Common-Prayer and of Ordering Biſhops*) but a diſtinct Book by it ſelf, though bound up in one Volume, or under one cover, with the Book of Common-Prayer; and thence, called ſingularly, *the Book of Common-Prayer, and of Ordering Biſhops*; *i. e.* the Book containing both thoſe Books.

Anſ. "It is our Form of Prayer up-
"on that occaſion, as much as our Form
"of Baptizing or adminiſtring the Holy
"Euchariſt, or our Form of Confirming,
"Marrying, or viſiting the ſick.

Rep. True, but not contained in the Book of Common-Prayer, (but in a diſtinct Book,) and therefore not revived

with it neceſſarily, or in vertue of that name, *the Book of Common Prayer.*

Anſ. "It is alſo a part of our Form "of adminiſtration of the Sacraments. "We deny not Ordination to be a Sa- "crament.

Rep. But it is not a Sacrament contained in the Book of Common-Prayer; and therefore not revived with that Book.

Anſ. "No man can deny that it is a "part of our Eccleſiaſtical Rites and "Ceremonies, and under that notion, "ſufficiently authorized.

Rep. Any man can, and I do deny it to be any Rite or Ceremony pertaining to the Book of Common-Prayer: and therefore under that notion it could not be authorized by an Act authorizing the Book of Common-Prayer.

Anſ. Laſtly, *Ejus eſt legem interpretari cujus eſt condere.* Q. *Eliz.* and her Parliament made the Law, and expounded it by the ſame authority that made it; declaring that under the Book of Common Prayer, the Form of Ordination was comprehended, and ought to be underſtood.

Rep. He ſhould have quoted the words

words ſo declaring, and no doubt would have done it, had there been any: but there are no ſuch. Nay divers paſſages of that Act, do rather declare the contrary. As

1. When ſpeaking of the Act of 1. *Mariæ*, they ſay, *it repealed the Act of* Edw. 6. *for allowing the Book of Common-Prayer, and other the premiſes* (that is, the Book of Ordination, ſpoken of before, as added, by that Act, to the Book of Common-Prayer:) but ſpeaking of the Act of 1. *Eliz.* they do not ſay, it eſtabliſhed the ſaid book of Common-Prayer, *and other the premiſes*; but onely, *the ſaid Book of Common-Prayer, and of the adminiſtration of Sacraments, and other the ſaid Orders, Rites, and Ceremonies before mentioned* (that is, contained in the ſaid Book of Common-Prayer; for no other were before mentioned.)

2. When for the Book of Common-Prayer, they mention the Act of 1. *Eliz.* that had authorized it, and onely confirm that Act [*The ſaid Act* (of 1. Eliz.) *whereby the ſaid Book of Common-Prayer is authorized, ſhall ſtand and remain good*] But for the Book of Ordination; they mention not the Act of 1. *Eliz.*

Eliz. but revive the Act of *Edw.* 6. for it. [*Such Order and Form for the Consecrating of Archbishops*, &c. *as was authorized by* 5. *and* 6. Edw. 6. *shall stand and be in full force*;] which had been vain, if it had been reviv'd before, by 1. *Eliz.* as it would have been, if it had been a part of the book of Common-Prayer.

The sixteenth Chapter.

Noting Doctor Heylin's *varying from himself, and falsifying the act of* 8. Eliz.

DOctor *Heylin* relating this matter as an Historian, first, varies from himself, and then notoriously falsifies the Act of 8. *Eliz.*

1. He varies from himself; for one while, he delivers it (as the truth was) that the Liturgy was confirmed 1. *Eliz.* and the book of Ordination not afore 8. *Eliz.* [*In the first year of her reign, the Liturgy was confirmed by Parliament. In her fifth, the articles of Religion were agreed upon in the Convocation. And in the eighth, the Government of the Church by Archbi-*

Ecc. Rest. in Ep. to Reader.

shops

shops and Bishops, received as strong a Confirmation as the Laws could give it. And for this last, we are beholden unto Bonner, *&c.*] And elsewhere [*In the six and thirtieth Article is declared that whosoever were Consecrated according to the Rites of the Ordinal of* Edw. 6. *should be reputed lawfully Consecrated; which Declaration of the Church was afterwards made good by Act of Parliament in the eighth year of that Queen, in which the said Ordinal is confirmed, and ratified.*] p. 1. f. 83.

And yet another while he saith, *it was approved of and confirmed as a part of the Liturgy.* For if so, then it was confirmed with the Liturgy, 1. *Eliz.* Ibid.

2. Then he notoriously falsifies the Act of 8. *Eliz.* [*The business* (saith he) *came under Consideration in the following Parliament* (8. Eliz.) *where all particulars being fully and considerately discoursed upon, it was first declared,* (setting down the e that follow as the words of the Act.) "That their (the Parliament 1. "*Eliz.*) not restoring of that Book to "the former power, in terms *significant* "and *express*, was but *Casus omissus*; "and secondly, that by the Statute of "5. and 6. *Edw.* 6. it had been added to the p. 2. f. 174.

"the Book of Common-Prayer, and ad-
"ministration of the Sacraments, as a
"*member* of it, or at least an *appendant*
"to it; and therefore by 1. *Eliz.* was
"restored again together with the said
"Book of Common-Prayer, *intentional-*
"*ly* at the least, if *not in terminis*. But
"being the words in the said Statute
"were not *clear* enough to remove all
"doubts, they did therefore revive it
"now, and did accordingly enact, *&c.*]
when there is not any one of these sen-
tences in the Act, I do not say in *words*,
but not so much as in *sense*; nay, when
the Act supposed the contrary, as is
shown *supra*.

The seventeenth Chapter.

Confirming the Argument, by the proceedings in Bonners *case; and urging the first inference for the opinion of the Judges.*

THis that I have urged, (that that part of the Act of *Edw. 6.* for the book of Ordination, was not revived afore 8. *Eliz.* and consequently they no legal Bishops, afore that Act) is so true, as that it was the opinion of even

even the Protestant Judges at that time, and of the Parliament that made that Act; as may be manifestly inferred from the proceedings of the Judges and Parliament in the Case of *Bonner* and *Horn*; which was this.

By the first Session of that Parliament, 5. *Eliz*, 1. power was given to any Bishop in the Realm, to tender the Oath of Supremacy, (enacted 1. *Eliz.*) to any Ecclesiastical person within his Dioces, and the refuser was to incurr a *Præmunire*. Mr. *Horn* (the new Bishop of *Winchester*,) tenders (by vertue of this Statute,) the Oath unto Doctor *Bonner* (Bishop of *London*, but deprived by Q. *Eliz.* and then a Prisoner in the Marshalsea, which was within the Dioces of *Winchester*.) *Bonner* refuses to take it. *Horn* certifies his refusal, into the Kings Bench, whereupon *Bonner* was indicted upon the Statute. He prayes judgment, whether he might not give in evidence upon this issue, *Quod ipse non est inde culpabilis, eo quod dictus Episcopus de Winchester non fuit Episcopus tempore oblationis Sacramenti.* And it was resolved by all the Judges at Serjeants Inne, *that if the verity and matter be so indeed, he should* *Dyar. fol.* 234.

should well be received to give in evidence upon this Issue, and the Jury should try it. After which we hear no more of the Indictment. And at the next Session of that Parliament (which was 8. *Eliz*) was revived the Act of *Edw.* 6. for the book of Ordination, and enacted, *That all that have been, or shall be made, Ordered, or Consecrated Archbishops, Bishops,* &c. *after that Form of* Edw. 6. *be in very deed, and by authority hereof, declared, and enacted to be, and shall be Archbishops, Bishops,* &c. *and rightly made, Ordered and Consecrated, any Statute, Law, Canon, or other thing to the contrary notwithstanding.* But with this Proviso, *that no person shall be impeached by occasion or mean of any certificate, by any Archbishop, or Bishop, heretofore made, or before the last day of this Session, to be made, by vertue of any act made in the first Session of this Parliament, touching the refusal of the Oath, enacted* 1. Eliz. *And that all tenders of the said Oath, and all refusals of it so tendered, or before the last day of this Session, to be tendered, by any Archbishop, or Bishop shall be void.*

Now from this Story, I make two in-

inferences to my purpoſe.

The firſt, that in the Opinion of the Judges at that time, the Act of *Edw. 6.* for the Book of Ordination, was not revived by 1. *Eliz.* and ſo *Horn* was no Legal Biſhop. For otherwiſe, there is no reaſon imaginable, why *Horn* would not joyn iſſue with *Bonner* upon that point, *non fuit Epiſcopus tempore oblationis Sacramenti*; and ſo come to a trial of it.

The eighteenth Chapter.

Refuſing the ſhifts uſed by Mr. Maſon, *and Doctor Heylin to evade this inference.*

MAſter *Maſon* puts this for our Queſtion, *Quæ ratio dilatæ Sententiæ?* (whereas that, is not our queſtion, but this, *Why did not Horn joyn iſſue?* &c.) and, to avoid the *true* one, gives *other* reaſons for it; but very frivolous ones, as will appear by the Anſwers. l. 3. c. 11. n. 6.

1. *Reaſ.* "*Bonner*'s Councel, though "they pleaded *Horn* was no Biſhop; "yet (for ought appears by *Dyar*) they "gave no reaſon for it. It ſeems there-"fore

"fore that the Judges allowed them "longer time, to produce their Reasons, "that so the dignity of the Bishops "might shine more clear.

p. 2. f. 173. *Ans.* Doctor *Heylin* saith, *Bonners* Councel did give their reason, *viz. that the Form of* Edw. *6. had been repealed by* Q. Mary, *and so remained at* Horn's *pretended Consecration.* But I suppose it a mistake of his, for it is not the use, in the entring of a Plea, to give a reason of it, for that is to be shewn and pleaded at the hearing; which this cause never came to. And therefore that could be no reason of the delay of sentence.

2. *Reas.* "Other Jurors were to be "warned out of *Surrey*, afore sentence "could be given.

Ans, It was not time to warn Jurors, afore Issue Joyned, which this never was. And when they were to be warn'd, it was but out of *Southwark*; which might have been against the next term: and so could be no reason, why sentence was delayed, two years or near upon, as it was betwixt this pleading at Serjeants Inne, and the Session of 8. *Eliz.*

3. *Reas.* "Whilst the Suit was de- "pending, which began 7. *Eliz.* a "Par-

"Parliament was held, 8. *Eliz.* in "which all ſuits depending for refuſal of "the oath of Supremacy, were diſſol-"ved.

Anſ. He is out in his reckoning. For *Horn* (thirſting after *Bonners* ruine, who it is thought was the man chiefly aimed at in that act) began the Suit ſoon after that Act of 5. *Eliz.* and procured him to be indicted, and *Bonner* demur'd to it; which (as Doctor *Heylin* ſaith) *being put off from Term to Term, came at laſt to be debated among the Judges at Serjeants Inne*; which was in Michaelmas Term, which began in 6. *Eliz.* betwixt which and the Parliament, was two years or near upon. So that Act could be no reaſon why it was delayed all that time, after the Judges had made that rule for the Iſſue and tryal of it.

Doctor *Heylin* therefore gives another reaſon for it, and I believe the true one, *viz. That it was adviſed* (which he muſt mean,) *by the Judges, to Horn*, for it was not in the power of *Bonner*, being Defendant, to referr it,) *that the deciſion of the point ſhould rather be referred to the following Parliament.* And of this advice, he gives this reaſon, *for fear ſuch a weigh-* p. 2. f. 173.

ty matter might miscarry by a contrary Jury.

Ans. But this could be no reason, because the Decision of the point in *Law*, upon which rested the whole difficulty, and which alone could be referred to the decision of the Parliament (*viz.* whether *the Form of* Edw: 6. *were Legal*; or, *whether one Consecrated by that Form, were a Bishop*,) was not to be put to the Jury, but to be determined by the Judges, and the Jury to try onely the matter of *fact*, *whether he were so Consecrated.* If therefore the Judges had delived it for Law, that *Horn*, if so Consecrated, was a Bishop, and he could have proved he was so Consecrated (as was easie, for him to do, if the Records be true,) the Jury must have found him a Bishop, or incurred an *attaint*, which there was no reason to fear they would do, in such a cause as that, where the Queen was Plaintiff, a Protestant Bishop (and their neighbour, and Landlord to most of them, being *Southwark* men) the Prosecutour, all the Bishops and Clergy in the land (made by the new Form,) extreamly interested in the verdict, and onely a Papist, generally

rally hated, and deprived of all Office and power in the State, and then a Prisoner, the Defendant. And that which he addes to colour his reason, [*That there had been some proof made before, of the partiallity or insufficiency of a Jury, touching grants made by K.* Edwards *Bishops*:] if meant of Juries in Queen *Maries* time, was no reason in Queen *Elizabeths*: and if meant in *Her* time, helps to confirm what I say, that afore 8. *Eliz.* neither Judges, nor Juries could finde King *Edwards* Bishops were legal Bishops. The true reason therefore why the Judges advised *Horne* to refer his Cause to the Parliament, can be no other then this, as I say, that they found an Act of Parliament was necessary to make him a Bishop.

The nineteenth Chapter.

Urging the second inference, for the opinion of the Parliament.

MY second Inference is, that the Parliament 8. *Eliz.* were not of opinion that *Horn* was a legal Bishop. For if they had:

1. They would not have revived the Act of *Edw.* 6. for the Form of Ordination: for that implyed, it was not revived afore: and if not, they could be no legal Bishops.

2. They would have made no *Law* in the Case, but left it to a judgement of the *Court*, or onely given a sentence in it themselves.

3. If they would make a *Law* for it: yet 1. They would not have *enacted* them to be Bishops, but onely *declared* that they were so. 2. Nor would they have said as they do [*Be it declared and enacted, that all things heretofore done, in or about the Consecration of Archbishops and Bishops, be, and shall be, by Authority of this Parliament, at, and from every of the several times of doing thereof, good and perfect, any matter or thing that can or may be objected to the contrary notwithstanding*;] which, except meant of the *making* them so to be, by vertue of that Act, would be meer non-sense and contradiction: but thus, [*All things heretofore done*, &c. *were in very deed, at and from every of the several times of doing thereof, good, without authority of this Act, & any matter or thing to be objected to the*

con-

contrary.] 3. Nor would they have ſaid as they do, [*All that have been Conſecrated Archbiſhops*, &c. *ſince her Majeſties Reign, be in very deed, and alſo by authority hereof, declared, and enacted to be, and ſhall be, Archbiſhops, and Biſhops, and rightly Conſecrated, any Law, Canon, or other thing to the contrary notwithſtanding*;] which, except as afore, would be another ſtrange medley of nonſence and contradictions, (which ambiguous language they were driven to, out of a deſire to uſe ſome words for the honour of the Biſhops, as if Biſhops afore, and of a neceſſity to uſe other, for the creating them ſuch then:) but they would have ſaid, in plain and good Engliſh, which would have put the matter out of queſtion [*All that have been Conſecrated, were in very deed, at and from every of the ſeveral times of their Conſecrations, Archbiſhops, and Biſhops, and rightly Conſecrated, according to Law.*]

4. Nor would they have recited (as they do) at large, the Supream Authority given to the Queen, by 1. *Eliz. To aſſign and authorize ſuch perſons, as ſhe ſhould think meet, to exerciſe under Her*

all manner of Spiritual Jurisdiction, and thereupon inferred, [*So that to all that will well consider of the effect and true intent of the said Statutes, and of the Supream and absolute authority of the Queen* (to make Bishops, by Her *Commission* only, with, or without any Legal *Form* of Consecration, or with, or without any *Bishops* for the Consecraters,) *and which she by her said Letters Patents hath used, in, and about their Consecration*, (by supplying to them all defects, either in the Form they should use, or in the faculty, state, or condition of the Consecraters, whether Bishops or not Bishops) *it is and may be evident that no cause of scruple can or may be objected against their Consecrations*; for this grounds the Legality, both of the Form, and of the Consecraters, not upon the things in their own nature, but upon the authority of the Queens Commission, which supplyed to them all defects in Law: but they would have said plainly, and without praying any such aid from the Queens Supremacy, [*They were Consecrated by Legal Bishops, and by a Legal Form*; or *the Form of* Edw. 6. *was a Legal Form, or was revived*

by 1. Eliz. *&c.*] seeing that was the onely exception against the Form of their Consecrations.

5. Nor, least of all, after *Bonner* had put in a plea so insolent, and reproachful to the Queen, Her Bishops, and their whole Clergy and Church, and (if *Horn* had been a Bishop) and incurr'd a *Premunire* for refusing the Oath of Supremacy; and when the acquittal of him, and of all other refractory refusers of the Oath, afore the last day of that Session, when there was no other exception to the Certificates, but this, *that they that made them were no Bishops*,) and this, without, and afore any petition exhibited, or submission promised, on the Delinquents part, would, in the interpretation of all indifferent men, redound notably to the justifying of *Bonner*'s plea, and consequently, to the infamy of their whole Clergy, and Church: I say, all this considered, they would never have made such Proviso's, for the indemnity of *Bonner* and the other Delinquents, if they could have found *Horn* a Legal Bishop.

The twentieth Chapter.

Refuting the ſhifts deviſed to evade this inference.

l.3.c 11. n.7. MAſter *Maſon*, ſaith, *This annulling of* Horn's *Certificate, doth not argue* Bonner's *innocence, or any Defect in* Horn's *being a Biſhop, but only the great favour and indulgence of the Parliament. For* (ſaith he) *firſt they cleared our Biſhops from the calumny of their adverſaries, and then graciouſly pardoned* Bonner *and his fellows, that had ſo impudently flown upon the Biſhops, for offering the Oath to them. For they hopen it would come to paſs, that they who out of ignorance, or malice, had alwayes before that been ſnarling at their Conſecrations, would at length be wiſe.*

Refut. 1. They did not *firſt clear their Biſhops* (as is ſhewed afore.) 2. Nor did they *pardon Bonner* and his fellows, but *annul* the proceſs. 3. That Act was ſo far from ſhewing the Catholicks their errour touching the nullity of their Biſhops, as it ſerved rather to confirm them in it. 4. I cannot think Maſter *Maſon*

Maſon was ſo ſimple, as either to believe it himſelf, or hope to perſwade it to any reaſonable man, either that the Parliament had any ſuch hope of *Bonner* and his fellows, or if they had, that that hope ſhould move them to ſhew ſuch favour to men that had *ſo impudently flown from their Biſhops*, only, *for offering an Oath to them*, which the Law authorized them to do: or if they did, that they would not have intimated that to have been the reaſon of their favour, (thereby to prevent the adverſaries miſconſtruction of it,) nor have limited that favour to ſuch who ſhould *at length be wiſe*, and *not ſnarl any more at their Conſecrations*; nor have appointed ſentence to be firſt given for their being Biſhops, and then the Delinquents to have their pardons upon ſuing out, but wholly annul the Indictments, and all Certificates of their Biſhops.

Doctor *Heylin*, ſaith, *This favour was indulged, to them of the Laity, in hope of gaining them by fair means, to a ſenſe of their duty*; to Bonner, *and the reſt of the Biſhops, as men that had ſufficiently ſuffered upon that account, by the loſs of their Biſhopricks.* par. 2. fol. 174.

Refut.

Refut. But 1. no favour could be intended to them of the *Laiety*, becauſe the Act (of 5. *Eliz.*) authorized not the tendring of the Oath to any but *Eccleſiaſtical* perſons.

2. The favour was indulged, not to *deprived Biſhops* onely, but to all Deans, Archdeacons, Prebends, Parſons, Vicars, *&c.* and to them that had yet perhaps loſt nothing, as well as to them that had

3. As ſoon as their Biſhops ſhould be Legal (that is, preſently after that Seſſion,) the penalty of that Law was to be inflicted on all alike, as well *the deprived Biſhops*, as any other.

Doctor *Bramhal* therefore gives a more likely reaſon of thoſe proviſo's, *viz.* the Ambiguity of the Act of 1. *Eliz.* whether it had revived the book of Ordination, or not. [*Although* (ſaith he) *the Caſe was ſo evident, and was ſo judged by the Parliament, that the Form of Conſecration was comprehended under the name and notion of the Book of Common Prayer: yet in the indictment againſt* Bonner, *I commend the diſcretion of our Judges, and much more the moderation of the Parliament. Criminal Laws ſhould be written with a beam*

p. 99.

of

of the Sun, without all ambiguity.]

Refut. But neither will this Reason hold water. For 1. the Case was not *evident*, that the book of Ordination was revived with the Liturgy as a part of it, but rather evident it was not (for the reasons given *supra*.) 2. The Case was not *so judged by the Parliament*, but rather the contrary (as is shewed *supra*) 3. How could the Case be *evident*, and yet *Ambiguous*? (as he saith both.) 4. Had it been meer *moderation* of the Parliament, by reason of *the ambiguity of the Law*; they might, and no doubt would have intimated as much, and (considering the conjecture of things) have found out some other way of shewing that moderation (as by pardoning the Delinquents, *&c.*) then by annulling the Indictment, after such a plea entred by *Bonner*, *that Horn was no Bishop*: for this could signifie no less then an acknowledging of the Plea.

The

The one and twentieth Chapter.

Proving the ſecond part of the reaſon, that it was not revived then.

THe ſecond part of my reaſon, that *the Act of* Edward 6. *for the Book of Ordination was not revived by* 8. Eliz. is proved: becauſe the Act of Queen *Mary* for repeal of it, was never yet repealed: and ſo being then in force, was an obſtacle to the legal reviving of King *Edwards* Act: becauſe two repugnant Laws, (as thoſe were) cannot be both in force: and the Act of Q. *Eliz.* being the latter, could not be in force, till the other were repealed.

If it be ſaid, Queen *Maries* Form was repealed *virtually*, and in the *intention* of the Law-maker, by authorizing another. 1 This is not ſufficient: becauſe an act of Parliament is not legally repealed but by expreſſe words. 2. Grant it were ſufficient: yet Queen *Maries* Form was not repealed, ſo much as *virtually*; becauſe a Law cannot be abrogated, but by as great an authority as made it; which this was not: becauſe Queen *Maries* Act was made by a *full* Par-

Parliament, or by all the three Eſtates, (*Lords Spiritual, Temporal* and *Commons*,) whereas the repeal was but by two thirds of the Parliament, or by two Eſtates only, (the *Lords Temporal* and *Commons*;) thoſe that then ſate upon the Biſhops Bench in the Lords Houſe, being no Biſhops (as is proved *ſupra*) and all the Catholick Biſhops then living, (which were the rightful Biſhops) being, *by unjuſt force*, hindered from being preſent, and diſſenting to what was done. I ſay, *by unjuſt force*; becauſe neither were they deprived by any judicial ſentence, (whence it was found needfull afterward to make their deprivations good, by a *law* 39. *Eliz.* 1.) nor was that Act of 1. *Eliz.* which enacted the Oath of Supremacy, and involved the refuſers of it in a *Premunire*, by vertue whereof they were by force put out of their Biſhopricks, and kept in priſon, a Legal Act, for reaſons given *infra*.

If it be ſaid, the authority of the *two* Eſtates (if they were no more) was as great *formally*, as of all the *three*; becauſe the Biſhops are no eſſential part of the Parliament. 1. This is ſaid *gratis*, for they are, and (when no violence hath

hath been on foot against them) ever have been counted, an essential part. And this Parliament now in being, seems to acknowledge as much, when speaking of the Act of the Long Parliament for abolishing the Bishops Jurisdiction, they say, *it contained divers alterations prejudicial to the constitution and ancient rites of Parliament, and contrary to the Laws of the Land*: meaning principally the excluding them from their Votes in Parliament; and so thereby implying, that they were a *constitutive* part of the Parliament, by ancient Right, and the Law of the Land. 2. Granting (as it may be true, in case of necessity, as now, when there are no Bishops in the Land) that they were no necessary part *absolutely* or as to *all* affairs, namely, not as to the making of *Civil* Laws, or which should concern the Subject in *common*: yet certainly in Acts that purely concern *Religion*, and the *Clergy* in particular, it must be said in reason, they are an *essentiall* part: because they alone are to be supposed knowing in Gods Law; and they being so considerable a part of the Nation, cannot be concluded by the Laws there made, unless they have

13. Car. 2. 2.

have ſome to repreſent them, and interpoſe in their behalf; which they have none there but the Biſhops. And ſo for this reaſon, this Act of 8. *Eliz.* for authoriſing the Form of Conſecrating Biſhops, and the firſt and ſecond Acts of 1. *Eliz.* for enacting the Oath of Supremacy in cauſes Eccleſiaſtical, making it treaſonable to take Orders from the See of *Rome*, eſtabliſhing the Form of publick Divine Service and Sacraments, *&c.* and all other that have been made ſince, in matters of Religion, are no valid Acts in Law; becauſe made without conſent of the Lords *Spiritual*; the rightful Biſhops at that time, (whilſt there were any liv'ng) be'ng unjuſtly excluded from the Parliament; and none of thoſe that have been made ſince the beginning of Queen *Eliz.* Re'gn, being Legal Biſhops.

Epilogue.

AND now the Reader may judge how little reaſon Doctor *Heylin* had to boaſt, (as he does) of his Church, as it was ſetled by Q. *Eliz.* and to beſtow ſo much pains in writing that Book to deſcribe that ſettlement. "And now "we may behold (ſaith he) the face of the "Church of *England*, as it was firſt ſetled and "eſtabliſhed under Q. *Eliz.* The Government "of the Church by Archbiſhops, & Biſhops, &c.

Theſe

" These Bishops nominated and elected ac-
" cording to the Statute of 25. *Hen.* 8. and Con-
" secrated by the Ordinal confirmed by Parlia-
" ment, 5. and 6. *Edw.* 6. *&c.* the *Doctrine* of the
" Church, reduced into its ancient purity, ac-
" cording to the *Articles* agreed upon in Con-
" vocation, in the year 1562. and ratified in due
" form of Law, by the Queens authority. The
" *Liturgy*, confirmed in Parliament. *And a little after.* "[By this last Act (of 8. *Eliz.*) the Church
"(of *England*) is strongly settled on her *natural*
" *pillars* of *Doctrine*, *Government*, and *Worship*,
" not otherwise to have been shaken but by
" the blinde zeal of such furious *Sampsons* as
" were resolv'd to pull it on their own heads,
" rather then to suffer it to stand in so much
" glory.] *Eccl. Restau.* p. 2. f. 122. and 173.

For, what was this *glorious* Church of his, but a *natural* Fabrick, rear'd upon (as he calls them) *natnral* pillars, and the foundations of those Pillars, *natural* foundations, the *Queen* and *Parliament*, and that Parliament without any Bishops, or so much as one *Clergy-man* in it? Whence this *glorious* Church, as it hath been once already overturned to the ground, and (as he acknowledges and complaines, the *very foundations of it digged up*, by those *furious Sampsons*; so it may be at any time again, when a *Presbyterian* or *Fanatick* Parliament or Army, shall get (which God avert) the sword again into their hands,

FINIS.

Appendix.

For the better understanding of the former Discourse, I have here set down some Extracts out of the ancient forms of Ordaining Bishops, in the greek and latine Church: and out of the Acts of Parliament quoted in the third Part; and the Act of 8. Eliz. *at large.*

Forms of the Greek Church.

UNus ex primis Episcopis, una cum duobus aliis stans prope Altare, reliquis Episcopis & Presbyteris tacitè precationem facientibus, & Diaconis aperta Evangelia super caput ejus qui Ordinatur tenentibus, in hunc modum precetur. Here *Domine Deus omnipotens, &c. Da huic famulo tuo quem ad Episcopatum elegisti, ut pascat sanctum gregem tuum, atque ut Pontificatu tibi sanctè fungatur, &c. Da ei participationem Sancti Spiri-* *S. Clem. Const.*

tûs, ut habeat potestatem remittendi peccata secundum mandatum tuum; item dandi cleros, ut tu jussisti, ac solvendi omne vinculum secundum potestatem quam Apostolis destitisti, & offerendi tibi sacrificium mundum & incruentum quod per Christum instituisti, &c.

S. Dionys. Areop. de Eccl. Hier c. 5. Pontifex qui ad Consecrationem in Pontificem adducitur, utroque genu flexo ante Altare, supra caput habet Evangelia manumque Pontificis: atque hoc modo ab eo Pontifice qui eum Consecrat, sanctissimis precationibus Consecratur.

MS. antiquus in Bibl. Card Barberini. Aperiens Episcopus Evangelium, imponit illud super caput & collum ipsius Ordinandi, astantibus aliis Episcopis, & tangentibus ipsum S. Evangelium. Archiepiscopus autem imponens illi manum sic precatur. Here, *Domine Deus noster, confirma hunc electum, ut per manum mei peccatoris, & assistentium Ministrorum & Coepiscoporum, Sancti; Spiritûs adventu, virtute, & gratia, subeat Evangelicum jugum, dignitatem Episcopalem, &c.*

Euchelog. Constantinopolit. Ecclesiæ. Evangelium accipit Præsul, & imponit illud super dorsum illius qui Ordinatur, & omnes Episcopi qui illic sunt, imponunt manus super illum ex utroque latere, donec omnes preces absolutæ fuerint.

rint. Repetit Præsul, *Domine Deus, elige in Ecclesia tua N. hunc N. Presbyterum, in opus magnum Episcopatus. Precemur omnes pro eo, ut veniat donum tuum Domine, & eum virtute perficiat, & consummet in ministerio Episcopali. Indue eum Domine virtute ex alto, ut liget & solvat in cœlis & in terra, & creet in virtute doni tui Presbyteros & Diaconos, &c.*

Forms of the Latine Church.

Episcopus cum Ordinatur, duo Episcopi manus eorum super caput ejus ponant, & teneant Evangeliorum codicem supra cervicem ejus. Et unum super eum sundentem benedictionem, reliqui omnes Episcopi qui adsunt, manibus suis supra caput ejus teneant. *MS. Paris. scriptus ante annum, 560.*

Oratio, & preces de Episcopis Ordinandis.

"Oremus. dilectissimi nobis, ut his "viris ad utilitatem Ecclesiæ providen- "dis, benignitas omnipotentis Dei gra- "tiæ suæ tribuat largitatem. Per, &c.

"Exaudi, Domine, supplicum preces, "ut quod nostrum gerendum est mini- "sterium, tua potius virtute firmetur. "Per, &c.

" Propitiare Domine ſupplicationibus
" noſtris, & inclinatus ſuper hos famulos
" tuos cornu gratiæ Sacerdotalis, bene-
" dictionis tuæ in eos effunde virtutem:
" Per, &c.

Conſecratio.

" Deus honorum omnium, &c. qui
" Moyſen famulum tuum, inter cætera
" cœleſtis documenta culturæ, de habitu
" quoque indumenti Sacerdotalis inſtitu-
" ens, electum Aaron myſtico amictu
" veſtire inter ſacra juſſiſti, ut intelligen-
" tiæ ſenſum de exemplis priorum cape-
" ret ſecutura poſteritas, &c. Et idcirco,
famulis tuis, quæſumus, quos ad Summi
Sacerdotii Sacerdotium elegiſti, hanc
quæſumus Domine gratiam largiaris, ut
quicquid illa velamina, in fulgore auri,
in nitore gemmarum, & multimodi ope-
ris varietate ſignabant, hoc in horum mo-
ribus clareſcat. Comple, Domine, in
Sacerdotibus tuis myſterii tui ſummam,
& ornamentis totius glorificationis in-
ſtructum, cœleſtis unguenti rore ſancti-
fica. Hoc Domine copioſè in eorum
caput influat, hoc in oris ſubjecta de cur-
rat, hoc in totius corporis extrema de-
ſcendat, &c. Da eis Domine claves re-
gni cœlorum: quodcunque ligaverint
ſuper

ſuper terram, ſit ligatum & in cœlis; .... Tribuas eis Domine Cathedram Epiſcopalem ad regendam Eccleſiam tuam, & plebem univerſam. Sis eis authoritas, ſis eis poteſtas, &c.

Benedictiones ſuper eos qui ſacris Ordinationibus benedicendi ſunt. *Sacramentarium Gelaſianum. MS. poſt priorem antiquiſſimus.*

Oratio ad Ordinandos Epiſcopos. *Oremus dilectiſſimi, &c.* ut ſupra. Benedictio Epiſcoporum. *Adeſto ſupplicationibus noſtris, omnipotens Deus, & quod humilitatis noſtræ gerendum eſt miniſterio, virtutis tuæ impleatur effectu.* Alia. *Propitiare Domine ſupplicationibus noſtris, & inclinato ſuper hunc famulum tuum cornu gratiæ Sacerdotalis, &c.* Conſecratio. *Deus honorum omnium, &c.* ut ſupra.....*cœleſtis unguenti flore ſanctifica.* (Hîc mittatur Chriſma ſuper Caput ejus) *Hoc Domine copiosè, &c.* ut ſupra.

Incipit Ordinatio Epiſcopi. Epiſcopum qui Ordinandus eſt duo Epiſcopi per manus de Secretario, antequam Evangelium legatur, deducant ante Altare, & eo inibi proſternato, ab Archiepiſcopo inchoetur Letania: quâ finitâ, & eo erecto, ponatur Evangelium ſuper ſcapulas ejus, & has dicant Epiſcopi ſuper eum orationes. *Oremus dilectiſſimi, &c.* ut ſupra *MS. Eccleſiæ Rotomagenſis, ſcriptus circa ann. 900. in, & pro Angliâ.*

Alia. *Adesto Domine, &c.* ut supra. Alia. *Propitiare Domine, &c* ut supra. Solus vero Archiepiscopus hanc dicat *Consecrationem*, cæteris astantibus, & duobus Episcopis Evangelium super ipsum qui Ordinandus est tenentibus. *Deus honorum omnium, &c.* ut supra, *rore sanctifica.* (Hîc mittatur Chrisma) *&c.* Item alia super Episcopum. *Pater sancte*, &c. *ut per te, in summum ad quod assumitur Sacerdotium Consecretur*, &c.... Consecratio manuum Episcopi oleo sancto & Chrismate. Hîc mittatur Oleum super caput ejus. [*Ungatur & Consecratur caput tuum in cœlesti benedictione, in Ordinem Pontificalem. In nomine Patris*, &c.]

MS. in Monast. S. Germani, in Suburb. Paris. scrip. ante ann. 950.

Finita Letaniâ, duo Episcopi tenentes librum Evangelii super scapulas; Archiepiscopus benedicat eum. *Adesto Domine*, &c, ut sup. Alia. *Propitiare Domine*, &c. ut sup. Consecratio, ab Archiepiscopo solo dicenda. *Deus honorum omnium*, &c.

MS. in Bibliotheca Canonic. Regular. S. Victoris in Suburb. Paris. circa ann. 1100.

Duo Episcopi ponant & teneant textum Evangelii apertum super caput ejus: & D. Metropolitanus infundens Benedictionem super eum, dicat, lentâ voce, *Oremus dilectissimi*, &c. Sequitur Benedictio. *Propitiare Domine*, &c. Prefatio. *Deus honorum omnium, &c.* ut supra.

Acts

Acts of Parliament.

25. H. 8. 20.

IF the person be elected to the office of an Archbishop, the King shall by his Letters Patents signifie the said election to one Archbishop, and two other Bishops, or else to four Bishops to be assigned by the King, requiring and commanding him or them, to confirm the said election, and to Invest and Consecrate the said person so elected, to the office and dignity that he is elected unto, and to give and use to him such Pall, and all other Benedictions, and Ceremonies, and things requisite for the same. And every person being hereafter elected, invested, and Consecrated to the Dignity or Office of any Archbishop or Bishop, according to the tenor of this Act, shall and may be [illegible] and Installed, &c. and shall and may do and execute in every thing and things touching the same, as any Archbishop or Bishop

of this Realme (without offending the prerogative Royal of the Crown, and the Lawes and Customs of this Realme) might at any time heretofore do.

5. & 6. Edw. 6. 1.

An Act for the Uniformity of Common Prayer, and Administration of the Sacraments.

WHereas there hath been a godly order set-forth by authority of Parliament, for Common Prayer, and Administration of the Sacraments, &c. the King hath by the authority of the Lords and Commons in this Parliament assembled, caused the aforesaid order of Common Service, entituled, The Book of Common Prayer, to be explained and made perfect; and by the aforesaid authority, hath annexed and joyned it so explained and perfected, to this present Statute, adding also a form and manner of making and Consecrating of Archbishops, Bishops, Priests, and Deacons, to be of like force

force, authority, and value, as the same like foresaid Book of Common Prayer was before, &c. If any shall wittingly hear and be present at any other manner or form of Common Prayer, of Administration of Sacraments, of making Ministers in the Churches, or of any other Rites contained in the Book annexed to this Act, then is mentioned and set forth in the said Book, &c.

1. Eliz. 2.

That there shall be Uniformity of Prayer, and Administration of Sacraments.

WHereas at the death of our late Soveraigne Lord King Edw. 6. there remained one uniform order of Common Service and Prayer, and of the administration of Sacraments, Rites, and Ceremonies in the Church of England, which was set forth in one Book, intituled, The Book of Common Prayer and Administration of Sacraments, and other Rites and Ceremonies in the Church of

of England, authorized by Act of Parliament, holden in the 5. and 6. years of our said late Sovereigne, intituled, An Act for the Uniformity of Common Prayer, and Administration of the Sacraments, the which was repealed by Act of Parliament in the first year of the Reign of our late Sovereign Queen Mary, to the great decay of the due honour of God, and discomfort to the Professors of the truth of Christs Religion: Be it therefore enacted, &c. that the said Statute of Repeal, and every thing therein contained, onely concerning the said Book, and the Service, Administration of the Sacraments, Rites and Ceremonies contained or appointed in or by the said Book, shall be void and of none effect. And that the said Book, with the order of Service, and of the Administration of Sacraments, Rites and Ceremonies, with the alterations and additions therein added and appointed by this Statute, shall stand and be in full force, &c.

8. Eliz.

8. Eliz. 1.

All Acts made by any person since 1. Eliz. for the Consecrating, Investing, &c. of any Archbishop or Bishop, shall be good.

FOrasmuch as divers questions by obermuch boldnesse of speech and talk amongst many of the common sort of people, hath lately growen upon the making and Consecrating of Archbishops and Bishops within this Realm, whether the same were and be duly and orderly done according to the Law, or not, which is much tending to the slander of all the state of the Clergy, being one of the greatest States of this Realm: Therefore for the avoyding of such slanderous speech, and to the end that every man that is willing to know the truth, may plainly understand that the same evil speech and talk is not grounded upon any just matter or cause, It is thought convenient hereby, partly to touch such authorities as do allow, and approve the making

making and Consecrating of the same Archbishops and Bishops, to be duly and orderly done, according to the Lawes of this Realme; and thereupon further to provide for the more surety thereof, as hereafter shall be expressed.

First, it is very well known to all degrees of this Realme, that the late King, of most famous memory, King Henry 8. as well by all the Clergy then of this Realme, in their severall Convocations, as also by all the Lords Spiritual and Temporall, and Commons, in divers of his Parliaments, was justly and rightfully recognized and knowledged to have the Supream Power and Jurisdiction, Order, Rule and Authority over all the State Ecclesiastical of the same; and the same Power, Jurisdiction and Authority did use accordingly. And that also the said late King, in the Five and twentieth Year of His Reign, did by Authority of Parliament, amongst other things, set forth a certain Order of the manner and form how Archbishops and Bishops should be elected and made, as

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by the ſame more plainly appears. And that alſo the late King of worthy memory, King Edward the Sixth, did lawfully ſucceed his Father in the Imperiall Crown of this Realm, and did juſtly poſſeſs and enjoy all the ſame Power, Juriſdiction, and Authority before mentioned, as a thing to him deſcended with the ſaid Imperiall Crown, and ſo uſed the ſame during his life. And that alſo the ſaid King Edward 6. in his time, by Authority of Parliament cauſed a godly Book, Intituled, The Book of Common Prayer, and Adminiſtration of Sacraments, and other Rites and Ceremonies in the Church of England, to be made and ſet forth, not onely for one Uniform Order of Service, Common Prayer, and Adminiſtration of the Sacraments to be uſed within this Realm, and other his Dominions, but alſo did adde and put to the ſame Book, a very good and godly Order of the manner and Form how Archbiſhops, Biſhops, Prieſts, Deacons, and Miniſters ſhould from time to time be Conſecrated, made, and Ordered, within this

this Realm, and other his Dominions, as by the same Book more plainly may and will appear.

And although in the time of the said late Queen Mary, as well the said Act and Statute, made in the five and twentieth year of the Reign of the said late King Hen. 8. as also the severall Acts and Statutes made in the 2, 3, 4, 5, and 6. years of the Reign of the said late King Edward, for the authorizing and allowing the said Book of Common Prayer, and other the premises, amongst divers other Acts and Statutes touching the said supream authority, were repealed; yet nevertheless at the Parliament holden at Westminster in the first year of the Reigne of our Soveraigne Lady the Queens Majesty that now is, by one other Act and Statute there made, all such Jurisdictions, Privileges, Superiorities, and Preeminences Spirituall and Ecclesiasticall, as by any Spirituall or Ecclesiasticall power or authority hath heretofore been, or may lawfully be used over the Ecclesiasticall State of this Realme, and

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the Order, Reformation, and Correction of the same, is fully and absolutely by the authority of the same Parliament, united and annexed to the Imperial Crown of this Realme: and by the same Act and Statutes, there is also given to the Queens Highnesse, her heirs and successours Kings and Queens of this Realm, full power and authority, by letters Patents under the Great Seal of England, from time to time, to assigne, name, and authorize such Person or Persons as she or they shall think meet and convenient, to exercise, use, occupy, and execute, under her Highnes, all manner of Jurisdictions, Priviledges, Preeminences, and Authorities, in any wise touching or concerning any Spiritual or Ecclesiastical Power or Jurisdiction within this Realm or any other Her Dominions or Countries.

And also by the same Act and Statute, the said Act made in the Five and twentieth year of the said late King Hen. 8. for the Order and form of the electing and making of the said

said Archbishops and Bishops, together with divers other Statutes touching the Jurisdiction ober the State Ecclesiasticall, is rebibed, and made in full force and effect, as by the same Act and Statute plainly appeareth.

And that also by another Act and Statute made in the said Parliament in the first year of the Reigne of our said Sobereigne Queen, intituled, An Act for the Uniformity of Common Prayer and Service in the Church; the said Book of Common Prayer, and the Administration of Sacraments, and other the said Orders, Rites, and Ceremonies before mentioned, and all things therein contained, with certain Additions therein newly added and appointed by the Statute, is fully established and authorised, to be used in all places within this Realm, and all other the Queens Majesties Dominions and Countries, as by the same Act among other things more plainly appeareth.

Whereupon our said Sobereigne Lady the Queens most excellent Majesty

ſtly, being moſt juſtly and lawfully inveſted, and having in her Majeſties order and diſpoſition, all the ſaid Juriſdictions, Power and Authorities, ouer the State Eccleſiaſticall and Temporall, as well in caſes Eccleſiaſticall as Temporal, within this Realme and other her Majeſties Dominions and Countreys, hath by her Supreame authority, at diuers times ſithence the beginning of her Majeſties Reigne, cauſed diuers graue and well learned men to be duly Elected, Made, and Conſecrated Archbiſhops and Biſhops of diuers Archbiſhoprickes and Biſhoprickes within this Realme, and other her Majeſties Dominions and Countreys, according to ſuch Order and Forme, and with ſuch Ceremonies in and about their Conſecration as were allowed and ſet forth by the ſaid Acts, Statutes, and Orders annexed to the ſaid Booke of Common Prayer before mentioned. And further for the auoiding of all Ambiguities and Queſtions that might be obiected againſt the lawfull Confirmations, Inueſting, and

Consecrating of the said Archbishops and Bishops, her Highnesse in her letters Patents under the great Seal of England, directly to any Archbishop, Bishop, or others for the Confirming, Investing, and Consecrating of any person elected to the Office or Dignity of any Archbishop or Bishop, hath not onely used such words and sentences as were accustomed to be used by the said late King Henry and King Edward Her Majesties Father and Brother, in their like letters Patents made for such causes: but also hath used and put in her Majesties said letters Patents divers other generall Words and Sentences whereby her Highnesse by her Supream Power and Authority, hath dispensed with all causes or doubts of any imperfection or disability that can or may in any wise be objected against the same, as by her Majesties said letters Patents remaining of Record, more plainly will appear. So that to all those that will well consider of the effect and true intent of the said lawes and Statutes, and of the

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supreame and absolute authority of the Queens Highnes, and which she by Her Majesties said Letters Patents, hath used and put in ure in and about the making and Consecrating of the said Archbishops and Bishops, it is and may be very evident, that no cause of scruple, ambiguity, or doubt, can or may justly be objected against the said Elections, Confirmations, or Consecrations, or any other material thing meet to be used or had in or about the same; but that every thing requisite and material for that purpose hath been made and done, as precisely, and with as great a care and diligence, or rather more, as ever the like was done before Her Majesties time, as the Records of Her Majesties said Fathers and Brothers time, and also of Her own time, will more plainly testifie and declare.

Wherefore for the more plain Declaration of all the premises, and to the intent that the same may be better known to every of the Queens Majesties Subjects, whereby such evil speech as heretofore hath been used

against the high State of Prelacy, may hereafter cease: Be it now declared, and enacted, that the said Act and Statute made in the first Year of the Reign of our said Sovereign Lady the Queens Majesty, whereby the said Book of Common-Prayer, and the Administration of Sacraments, with other Rites and Ceremonies, is authorized and allowed to be used, shall stand and remain good and perfect to all respects and purposes.

And that such Order and Form for the Consecrating of Archbishops and Bishops, and for the making of Priests, Deacons, and Ministers, as was set forth in the time of the said late King Edw. 6. and added to the said Book of Common-Prayer, and authorized by Parliament in the 5. and 6. Year of the said late King, shall stand and be in full force and effect, and shall from henceforth be used and observed, in all places within this Realm, and other the Queens Majesties Dominions and Countreys.

And that all Acts and things heretofore

wherein had, made, or done, by any person or persons, in or about any Consecration, Confirmation, or Investing of any person or persons elected to the Office or dignity of any Archbishop, or Bishop within this Realme, or within any other her Majesties Dominions or Countries, by vertue of the Queens Majesties Letters Patents or Commission, sithence the beginning of Her Reign, be, and shall be, by authority of this present Parliament, declared, judged, and deemed, at and from every of the several times of the doing thereof, good and perfect to all respects and purposes, any matter or thing that can or may be objected to the contrary thereof in any wise notwithstanding.

And that all persons that have been or shall be made, Ordered, or Consecrated, Archbishops, Bishops, Priests, Ministers of Gods holy Word and Sacraments, or Deacons, after the Form and Order prescribed in the said Order and Form how Archbishops, Bishops, Priests, Deacons, and Ministers, should be

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Consecrated, Made, and Ordered, be in very deed, and also by authority hereof, declared, and enacted to be, and shall be Archbishops, Bishops, Priests, Deacons, and Ministers, and rightly Made, Ordered, and Consecrated, any Statute, Law, Canon, or other thing to the contrary notwithstanding.

Provided alwayes, and nevertheless be it Enacted by the authority aforesaid, that no Person or Persons shall at any time hereafter be impeached, or molested, in Body, Lands, Lives, or Goods, by occasion, or mean of any Certificate, by any Archbishop, or Bishop, heretofore made, or before the last day of this Session of Parliament, to be made, by vertue of any Act made in the first Session of this present Parliament, touching or concerning the refusal of the Oath, declared and set forth by Act of Parliament in the first Year of the Reigne of our said Sovereigne Lady Queen Elizabeth, any thing in this Act, or any other Act or Statute heretofore made, to the contrary notwithstanding.

And

And that all tenders of the said Oath, made by any Archbishop, or Bishop aforesaid, or before the last day of this present Session, to be made, by authority of any Act established in the first Session of this present Parliament, and all refusals of the same Oath so tendered, or before the last day of this Session, to be tendered, by any Archbishop or Bishop, by authority of any Act established in the first Session of this present Parliament, shall be void and of none effect or validity in the Law.

FINIS.